

SIXTY-SEVENTH DAY
(Friday, May 14, 1993)

The Senate met at 1:00 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Brown, Sims.

A quorum was announced present.

The Reverend Albert Elam, Stoney Point Baptist Church, Del Valle, offered the invocation as follows:

Dear Father, thank You for the blessings that You have given unto us, for the joy we have, for the peace we know, for the needs that You meet every day. We thank You for these and come to ask in the name of Jesus for guidance this day, that with understanding and wisdom we will be able to make the right decisions for our state that will be according to Your will and Your purpose, that Jesus Christ will be glorified, for in His name we pray. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

On motion of Senator Shelley, Senator Brown was granted leave of absence for today on account of important business.

On motion of Senator Harris of Dallas, Senator Sims was granted leave of absence for today on account of important business.

MESSAGE FROM THE HOUSE

House Chamber
May 14, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 1064, Relating to reducing the regulatory burden on school districts.

H.B. 2180, Relating to the regulation of the practice of nursing and to the creation of a new state board to replace the Board of Nurse Examiners and the Board of Vocational Nurse Examiners; providing penalties.

H.J.R. 54, Proposing a constitutional amendment relating to garnishment of wages for court-ordered restitution in a criminal judgment.

H.J.R. 67, Proposing a constitutional amendment authorizing the exemption from ad valorem taxation of boats and other equipment used in the commercial taking of fish, shrimp, shellfish, and other marine life.

H.B. 658, Relating to the prevention of horse theft.

H.B. 706, Relating to the creation of, the allocation of revenue to, and the uses of the Texas recreation and parks fund, including the dedication of revenue from the sales tax on sporting goods.

H.B. 852, Relating to a stamp requirement to hunt upland game birds; providing a penalty.

H.B. 1266, Relating to certain laws governing water districts and nonprofit water or sewer service corporations; creating penalties.

H.C.R. 126, Requesting the United States Postal Service to issue a commemorative postage stamp during 1995 in recognition of Texas' 150 years of statehood.

H.C.R. 127, Memorializing the Congress of the United States to enact legislation to authorize the United States Department of Agriculture to sell processed, previously-redeemed, discontinued, and no-longer negotiable food stamps to the public for numismatic purposes.

H.C.R. 137, Expressing appreciation to The University of Texas M. D. Anderson Cancer Center for its leadership and dedication to hastening the time when cancer can be eliminated as a major health threat for Texans.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

CAPITOL PHYSICIAN

The "Doctor for the Day," Dr. James Heberle of Burleson, was introduced to the Senate by Senator Harris of Tarrant.

The Senate expressed appreciation and gratitude to Dr. Heberle for participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

(Senator Truan in Chair)

PERMISSION TO INTRODUCE BILL

On motion of Senator Harris of Dallas and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bill:

S.B. 1502

SENATE BILL ON FIRST READING

The following bill was introduced, read first time, and referred to the committee indicated:

S.B. 1502 by Madla Health and Human Services
Relating to the authority of the state to provide certain genetic counseling
and testing services.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read first time and referred to the committees indicated:

H.J.R. 54 to Committee on Jurisprudence.
H.J.R. 67 to Committee on Finance.
H.B. 31 to Committee on Economic Development.
H.B. 54 to Committee on Health and Human Services.
H.B. 665 to Committee on Criminal Justice.
H.B. 728 to Committee on Intergovernmental Relations.
H.B. 751 to Committee on State Affairs.
H.B. 799 to Committee on Natural Resources.
H.B. 822 to Committee on Intergovernmental Relations.
H.B. 859 to Committee on State Affairs.
H.B. 944 to Committee on Health and Human Services.
H.B. 982 to Committee on Education.
H.B. 1064 to Committee on Education.
H.B. 1114 to Committee on Health and Human Services.
H.B. 1122 to Committee on Finance.
H.B. 1123 to Committee on Finance.
H.B. 1192 to Committee on Jurisprudence.
H.B. 1193 to Committee on Finance.
H.B. 1212 to Committee on Economic Development.
H.B. 1261 to Committee on Education.
H.B. 1432 to Committee on Natural Resources.
H.B. 1441 to Committee on Economic Development.
H.B. 1540 to Committee on Economic Development.
H.B. 1559 to Committee on Natural Resources.
H.B. 1562 to Committee on Criminal Justice.
H.B. 1608 to Committee on Finance.
H.B. 1696 to Committee on Intergovernmental Relations.
H.B. 1821 to Committee on Intergovernmental Relations.
H.B. 1926 to Committee on State Affairs.
H.B. 1951 to Committee on Intergovernmental Relations.
H.B. 1969 to Committee on State Affairs.
H.B. 2049 to Committee on Natural Resources.
H.B. 2100 to Committee on Education.
H.B. 2118 to Committee on State Affairs.
H.B. 2178 to Committee on Criminal Justice.
H.B. 2179 to Committee on Criminal Justice.
H.B. 2180 to Committee on Health and Human Services.
H.B. 2199 to Committee on Natural Resources.
H.B. 2304 to Committee on Criminal Justice.
H.B. 2377 to Committee on Natural Resources.
H.B. 2433 to Committee on Natural Resources.

H.B. 2488 to Committee on Criminal Justice.
H.B. 2501 to Committee on Natural Resources.
H.B. 2512 to Committee on Jurisprudence.
H.B. 2585 to Committee on Education.
H.B. 2623 to Committee on Natural Resources.
H.B. 2637 to Committee on Finance.
H.B. 2650 to Committee on Health and Human Services.
H.B. 2676 to Committee on Education.
H.B. 2685 to Committee on Jurisprudence.
H.B. 2710 to Committee on State Affairs.
H.B. 2714 to Committee on Intergovernmental Relations.

(President in Chair)

BILLS SIGNED

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read:

H.B. 156	H.B. 1210	H.B. 2220
H.B. 183	H.B. 1587	H.B. 2282
H.B. 247	H.B. 1666	S.B. 6
H.B. 409	H.B. 1824	S.B. 291
H.B. 647	H.B. 2050	S.B. 719
H.B. 691	H.B. 2113	S.B. 1324
H.B. 1143	H.B. 2219	S.B. 1373
H.B. 1146		

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
May 14, 1993

TO THE SENATE OF THE SEVENTY-THIRD LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE LAVACA-NAVIDAD RIVER AUTHORITY
BOARD OF DIRECTORS for terms to expire May 1, 1999:

CAROL T. McDONALD

P. O. Drawer H

Edna, Texas 77957

Ms. McDonald will be replacing Gene A. Ratliff of Edna, whose term expired.

CALLAWAY S. VANCE

P. O. Box 340

Edna, Texas 77957

Mr. Vance will be replacing R. Don Sachtleben of Edna, whose term expired.

ROBERT J. WHITWORTH

P. O. Box 535

Edna, Texas 77957

Mr. Whitworth will be replacing M. H. Brock of Edna, whose term expired.

Respectfully submitted,

/s/Ann W. Richards
Governor of Texas

**COMMITTEE SUBSTITUTE
SENATE BILL 959 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 959, Relating to state energy efficiency and conservation programs; granting the authority to issue revenue bonds.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 959 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 959** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Brown, Sims.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 958 ON SECOND READING

On motion of Senator Harris of Tarrant and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 958, Relating to the registration of tow trucks.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 958 ON THIRD READING

Senator Harris of Tarrant moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 958** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Brown, Sims.

The bill was read third time and was passed by a viva voce vote.

FLOOR PRIVILEGES GRANTED

On motion of Senator Harris of Dallas and by unanimous consent, floor privileges were granted to Jo Betsy Norton, General Counsel to the Committee on State Affairs, during deliberations on **C.S.H.B. 2626**.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2626 ON SECOND READING**

On motion of Senator Harris of Dallas and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 2626, Relating to the continuation and operation of the General Services Commission and to the transfer of certain functions to or from the General Services Commission, the comptroller of public accounts, the Texas Commission on Fire Protection, the Texas Department of Commerce, and a newly created State Council on Competitive Government and to the financing of certain projects by the commission through the issuance of revenue bonds.

The bill was read second time.

Senator Harris of Dallas offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.H.B. 2626** as follows:

(1) Strike Section 13 of the bill and substitute the following:

SECTION 13. Section 4.01, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by amending Subsection (a) and by adding Subsection (d) to read as follows:

(a) The commission shall have charge and control of all public buildings, grounds and property of the state, and is the custodian of all public personal property, and is responsible for the proper care and protection of such property from damage, intrusion, or improper usage. [~~The commission is expressly directed to take any steps necessary to protect public buildings against any existing or threatened fire hazards.~~] The commission is authorized to provide for the allocation of space in any of the public buildings to the departments of the state government for the uses authorized by law, and is authorized to make any repairs to any such buildings or parts thereof necessary to the serviceable accommodation of the uses to which such buildings or space therein may be allotted.

(d) The commission may allocate space in buildings in the Texas Judicial Complex only to:

- (1) a court;
- (2) a judicial agency;
- (3) the attorney general's office;
- (4) the Texas Department of Criminal Justice;
- (5) the Texas Youth Commission;
- (6) the Criminal Justice Policy Council;
- (7) the State Commission on Judicial Conduct;
- (8) the State Office of Administrative Hearings;
- (9) the Board of Law Examiners;
- (10) the Interagency Council on Sex Offender Treatment;
- (11) building security;
- (12) building maintenance; or

(13) a vending facility operated under Chapter 94, Human Resources Code.

(2) Add the following appropriately numbered section to the bill:

SECTION ____ Article 4, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 4.082 to read as follows:

Sec. 4.082. TEXAS JUDICIAL COMPLEX. "Texas Judicial Complex" is the collective name of the Supreme Court Building, the Tom C. Clark State Courts Building, and the Price Daniel, Sr., Building.

(3) Renumber existing sections of the bill appropriately.

The amendment was read and was adopted by a viva voce vote.

Senator Haley offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.H.B. 2626 by adding the following appropriately numbered sections to the bill and renumbering the existing sections of the bill appropriately:

SECTION ____ Section 2, Texas Public Finance Authority Act (Article 601d, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2. PURPOSE. (a) The purpose of this Act is to provide a method of financing:

(1) for the acquisition or construction of buildings in Travis County, Texas; and

(2) for the purchase or lease of equipment by state agencies.

(b) In this section, "state agency" has the meaning assigned by Section 1.02, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes).

SECTION ____ Subsection (a), Section 9A, Texas Public Finance Authority Act (Article 601d, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The authority may issue and sell obligations for the financing of a lease or other agreement so long as the agreement concerns equipment that a state agency has purchased or leased or intends to purchase or lease. The authority's power to issue obligations includes the power to issue and sell obligations for the financing of a package of agreements involving one or more state agencies. In this subsection, "state agency" has the meaning assigned by Section 1.02, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes).

SECTION ____ Section 1(3), Chapter 454, Acts of the 65th Legislature, Regular Session, 1977 (Article 6252-11c, Vernon's Texas Civil Statutes), is amended to read as follows:

(3) "State agency" has the meaning assigned by Section 1.02, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes) [means a state department, commission, board, office, institution, facility, or other agency the jurisdiction of which is not limited to a geographical portion of the state. The term includes a university system and an institution of higher education as defined in Section 61.003, Education Code. The term does not include a public junior college].

SECTION _____. Section 2(c), Article 9102, Revised Statutes, is amended to read as follows:

(c) These standards and specifications shall be adhered to in all buildings leased or rented in whole or in part for use by a ~~the~~ state agency under any lease or rental agreement entered into on or after January 1, 1972. To such extent as is not contraindicated by federal law or beyond the power of the state's regulation, these standards shall also apply to buildings or facilities leased or rented for use by a ~~the~~ state agency through partial or total use of federal funds. Facilities which are the subject of lease or rental agreements on January 1, 1972, will not be required to meet standards and specifications for the term of the existing lease or rental agreement but must be brought into compliance before a lease or rental agreement is renewed. Where it is determined by the governmental department, agency, or unit concerned that full compliance with any particular standard is impractical, the reasons for such determination shall be set forth in written form by those making the determination and forwarded to the department. If it is determined that full compliance is not practical, there shall be substantial compliance as determined by the department with the standard or specification to the maximum extent practical, and the file system maintained by the department shall include the written record of the determination that it is impractical to comply fully with a particular standard or specification and shall also set forth the extent to which an attempt will be made to comply substantially with the standard or specification. In this subsection, "state agency" has the meaning assigned by Section 1.02, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes).

The amendment was read and was adopted by a viva voce vote.

Senator Harris of Dallas offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.H.B. 2626 in the part of Section 18 of the bill that amends Section 5.26(b), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), by striking the phrase "one person appointed by the commission from a list of nominees submitted to it by the Executive Director of the National Association of Minority Contractors residing in Texas;" and substituting the following: "one person residing in Texas appointed by the commission from a list of nominees submitted to it by the Executive Director of the National Association of Minority Contractors."

The amendment was read and was adopted by a viva voce vote.

Senator Harris of Dallas offered the following amendment to the bill:

Floor Amendment No. 4

Amend C.S.H.B. 2626 by striking Section 21 of the bill and substituting the following:

SECTION 21. Article 5, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 5.37 to read as follows:

Sec. 5.37. SMALL CONTRACTOR PARTICIPATION ASSISTANCE PROGRAM. (a) In this section:

(1) "Program" means the small contractor participation assistance program created under this section.

(2) "Public works project" means a construction project designed to serve the public necessity, use, or convenience that is undertaken and carried out by the commission. The term includes a project for the construction, alteration, or repair of a public building.

(3) "Small business concern" has the meaning assigned by the Small Business Act (15 U.S.C. Section 631 et seq.) and its subsequent amendments.

(4) "Small contractor" means a contractor that operates as a small business concern.

(b) This section applies only to a contract for a public works project for which the estimated cost exceeds \$20 million.

(c) Not later than January 1, 1994, the commission shall establish a small contractor participation assistance program to ensure full opportunity for participation in public works projects by small contractors. A program established under this section must include:

(1) a system for the centralized purchase of any necessary insurance coverage for the public works project that is required under Subsection (d) of this section;

(2) a public outreach plan to provide public information about the program and to encourage small contractors to participate in the program;

(3) a technical assistance plan to aid small contractors to develop the skills necessary to participate in the program in accordance with Subsection (e) of this section; and

(4) a financing assistance plan to provide administrative and other assistance to small contractors in obtaining any necessary financing arrangements to make the participation of those contractors possible.

(d) The commission shall provide for the centralized purchasing of:

(1) workers' compensation insurance coverage;

(2) employer's liability insurance coverage;

(3) commercial general and excess liability coverage;

(4) payment and performance bonds; and

(5) any other analogous coverage the commission considers necessary and reasonable for the particular public works project.

(e) A technical assistance plan adopted by the commission must include information on and assistance in:

(1) estimating bids, the bidding process, scheduling, and understanding bid documents;

(2) reading construction drawings and other analogous documents;

(3) business accounting, bonds, and bond requirements;

(4) negotiation with general contractors; and

(5) any other technical and administrative assistance considered appropriate and necessary given the complexity and scope of the particular public works project.

(f) The commission may negotiate contracts with persons or firms having expertise in the areas that must be included in the commission's technical assistance plan to provide the information and assistance.

The amendment was read and was adopted by a viva voce vote.

Senator Harris of Dallas offered the following amendment to the bill:

Floor Amendment No. 5

Amend C.S.H.B. 2626 by striking Section 39 of the bill and substituting the following:

SECTION 39. Section 771.004, Government Code, is amended by amending Subsection (c) and by adding Subsection (d) to read as follows:

(c) A written agreement or contract ~~is [and advance approval by the commission are]~~ not required:

(1) in an emergency for the defense or safety of the civil population or in the planning and preparation for those emergencies;

(2) in cooperative efforts, proposed by the governor, for the economic development of the state; or

(3) in a situation in which the amount involved is less than \$50,000 [~~\$2,500~~].

(d) In an interagency exchange that is exempt from the requirements of a written agreement or contract, the agencies involved shall document the exchange through informal letters of agreement or memoranda.

The amendment was read and was adopted by a viva voce vote.

Senator Harris of Dallas offered the following amendment to the bill:

Floor Amendment No. 6

Amend C.S.H.B. 2626 by adding the following new section of the bill, appropriately numbered, and by renumbering existing sections of the bill appropriately:

SECTION ____ . Section 3.01, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Subsection (e) to read as follows:

(e) The Texas Youth Commission may purchase care and treatment services for its wards, including educational services, and such purchases shall be negotiated to achieve fair and reasonable prices at rates which do not exceed any maximum provided by law. Selection of service providers shall be based upon the qualifications and demonstrated competence of the provider.

The amendment was read and was adopted by a viva voce vote.

Senator Patterson offered the following amendment to the bill:

Floor Amendment No. 7

Amend C.S.H.B. 2626 by adding the following new section of the bill, appropriately numbered, and by renumbering existing sections of the bill appropriately:

SECTION . Section 3.01(a), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The commission shall purchase, lease, rent, or otherwise acquire all supplies, materials, services, and equipment for all state agencies, including

spot purchases and purchases that do not require a competitive bid, except for:

(1) the following materials, supplies, equipment, and services acquired for libraries operated as a part of university systems or institutions of higher education ~~[or for state-owned hospitals or clinics]:~~

(A) ~~[(1)]~~ serial and journal subscriptions;

(B) ~~[(2)]~~ library materials, including books not available under a statewide contract and papers;

(C) ~~[(3)]~~ library services including binding services not available under a statewide binding contract; and

(D) ~~[(4)]~~ library equipment and supplies; ~~[and]~~

(2) ~~[(5)]~~ materials, supplies, or equipment purchased by a state-owned hospital or clinic through a group purchasing program that offers purchasing services at discount prices to two or more hospital or clinic facilities if the chief executive officer of the hospital or clinic or his designee certifies that the purchase of the particular supplies, material, or equipment through the group purchasing program is the most cost-effective method of purchasing available; and

(3) materials, supplies, or equipment purchased by an institution of higher education, including a junior or community college, through a group purchasing program that offers purchasing services at discount prices to two or more institutions of higher education or private colleges and universities if the chief executive officer of the institution of higher education or the officer's designee certifies that:

(A) the purchase of the particular supplies, materials, or equipment through the group purchasing program is the most cost-effective method of purchasing available; and

(B) the institution of higher education complies with all state laws relating to the use of historically underutilized businesses.

The amendment was read.

On motion of Senator Patterson and by unanimous consent, Floor Amendment No. 7 was temporarily withdrawn.

(Senator Henderson in Chair)

(President in Chair)

Senator Sibley offered the following amendment to the bill:

Floor Amendment No. 8

Amend C.S.H.B. 2626 by striking Section 47 of the bill and substituting the following appropriately numbered section:

SECTION _____. (a) The General Services Commission may, subject to Subsection (e) of this section, purchase and renovate a building or buildings and the related grounds and improvements in McLennan County at an estimated cost of \$5 million to meet office space needs for one or more state agencies in the county. The commission shall finance the purchase and renovation through bonds issued by the Texas Public Finance Authority.

(b) The proceeds of the bonds issued and sold by the Texas Public Finance Authority to finance the purchase and renovation are appropriated to the General Services Commission for the two-year period beginning on the date that the comptroller certifies that the proceeds are available.

(c) Any person from whom real property or any existing buildings or other improvements are purchased under this section shall provide to the General Services Commission the name and the last known address of each person who:

(1) owns record legal title to the property, buildings, or other improvements; or

(2) owns a beneficial interest in the property, buildings, or other improvements through a trust, nominee, agent, or any other legal entity.

(d) When a state agency vacates leased space to move into space in a building purchased under this section or when the leased space itself is purchased under this section, the money specifically appropriated by the legislature or the money available to and budgeted by the agency for lease payments for the leased space for the remainder of the state fiscal biennium ending August 31, 1993, or for the state fiscal biennium ending August 31, 1995, may be used only for rental or installment payments for the purchased space under Section 12(b), Texas Public Finance Authority Act (Article 601d, Vernon's Texas Civil Statutes), and for the payment of operating expenses for the purchased space that are incurred by the General Services Commission. The comptroller may adopt rules for the administration of this subsection.

(e) Before the General Services Commission may make the purchase authorized by Subsection (a) of this section, and before the commission may request the Texas Public Finance Authority to issue bonds to finance the purchase and subsequent renovation, the commission must determine that the sum of the rental or installment payments for the purchased space under Section 12(b), Texas Public Finance Authority Act (Article 601d, Vernon's Texas Civil Statutes), plus the renovation and other operating expenses that will be incurred for the purchased space will not exceed, over the term of the bonded indebtedness, the amount of the lease payments that the state would otherwise have to make to meet the space needs that the purchase will satisfy.

The amendment was read and was adopted by a viva voce vote.

Senator Sibley offered the following amendment to the bill:

Floor Amendment No. 9

Amend C.S.H.B. 2626 in Section 18 of the bill by adding the following to the end of Section 5.26(c), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as added by the bill:

The Comptroller, with the assistance of the Center for Public Policy Dispute Resolution of The University of Texas School of Law, shall review the performance of the dispute resolution system created herein and shall furnish a report to the 75th Legislature in its Regular Session.

This subsection expires on September 1, 1995, except that the subsection remains in effect for the limited purpose of governing an

arbitration proceeding that begins before that date. For the purpose of the expiration date, an arbitration proceeding begins before September 1, 1995, if the written request for arbitration is sent on or before August 31, 1995.

The amendment was read and was adopted by a viva voce vote.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 10

Amend C.S.H.B. 2626 in Section 49 of the bill by adding the following as Subsection (c) of that section:

(c) Not later than June 1, 1994, the comptroller shall complete a disparity study regarding state contracting that meets the requirements of City of Richmond v. J. A. Croson Co., 109 S.Ct. 706 (1989). Each state agency shall report as necessary to the comptroller to assist in preparation of the study. The comptroller shall distribute the study to all state agencies and to the legislature. The General Services Commission shall, as soon as practicable, adopt rules to take effect September 1, 1994, based on the disparity study.

The amendment was read and was adopted by a viva voce vote.

Senator Haley offered the following amendment to the bill:

Floor Amendment No. 11

Amend C.S.H.B. 2626 by inserting the following sections in the appropriate place and renumbering any subsequent sections accordingly:

SECTION ____ Article 3, State Purchasing and General Services Act (Article 601b, Texas Civil Statutes) is amended by adding Section 3.081 to read as follows:

Sec. 3.081. CATALOGUE PURCHASE PROCEDURE. (a) A vendor who wants to sell or lease automated information systems under this section to state agencies covered by the Information Resources Management Act (Article 4431(32j), Revised Statutes) shall apply to the commission for designation as a "qualified information systems vendor" according to an application process promulgated by the commission. At a minimum, the application process shall include submission of the following elements:

(1) a catalogue containing all products and services eligible for purchase by state agencies, including descriptions of each product or service, the list price of each product or service, and the price to Texas state agencies of each product or service;

(2) a maintenance, repair, and support plan for all eligible products and services;

(3) proof of the applicant's financial resources and ability to perform; and

(4) a guarantee that the vendor will make available equivalent replacement parts for products sold to Texas for at least three years from the date of a product's discontinuation.

(b) Within 90 days of the effective date of this Act the commission shall establish standards and criteria for designating qualified information

systems vendors on a regional and statewide basis. A vendor remains qualified until the commission determines the vendor fails to meet the criteria set forth in this section. Vendors granted regional status may sell catalogue-listed products and services directly to state agencies covered by the Information Resources Management Act (Article 4431(32j), Revised Statutes) within a region defined by the commission. Vendors granted statewide status may sell catalogue-listed products and services directly to any state agency covered by the Information Resources Management Act (Article 4431(32j), Revised Statutes). The commission's standards and criteria shall be developed in accordance with the following parameters:

(1) the ability of the vendor to provide adequate and reliable support and maintenance;

(2) the vendor's ability to provide adequate and reliable support and maintenance in the future;

(3) the technical adequacy and reliability of the vendor's products;
and

(4) consistency with standards adopted by the Department of Information Resources or a subsequent entity.

(c) If a vendor is designated by the commission as a qualified information systems vendor, the vendor shall publish and maintain a catalogue containing all products and services eligible for purchase by state agencies, including descriptions of each product or service, the list price of each product or service, and the price to Texas state agencies of each product or service. The vendor shall update the catalogue on an as needed basis to reflect changes in price or the availability of products or services and shall forward a copy of each updated catalogue to the commission and all eligible purchasers.

(d) A state agency covered by the Information Resources Management Act (Article 4431(32j), Revised Statutes) may purchase or lease automated information systems directly from a qualified information systems vendor and may negotiate additional terms and conditions to be included in contracts relating to the purchase or lease, provided the purchase or lease is based on the best value available and is in the state's best interest. In determining which products or services are in the state's best interest, the agency shall consider the following factors:

(1) installation costs and hardware costs;

(2) the overall life cycle cost of the system or equipment;

(3) estimated cost of employee training and estimated increase in employee productivity;

(4) estimated software and maintenance costs; and

(5) compliance with applicable statewide standards adopted by the Department of Information Resources or a subsequent entity as validated by criteria established by the Department or a subsequent entity in administrative rule.

(e) The commission shall establish rules and regulations and implement the catalogue purchase procedure set forth in this section no later than January 1, 1994.

(f) Purchases of automated information systems shall be made through the catalogue procedure enumerated in this section unless the commission

or state agency determines that the best value available accrues from an alternative purchase method authorized by this Act.

(g) The commission shall make the catalogue purchasing procedure enumerated in this section available to local governments who qualify for cooperative purchasing under Sections 271.082 and 271.083, Local Government Code. In this subsection, "local government" has the meaning assigned to it by Section 271.081, Local Government Code.

SECTION _____. Section 1.02, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Subdivisions (4), (5), and (6) to read as follows:

(4) "Automated information systems" means any automated information systems, the computers on which they are automated, or a service related to the automation of information systems or the computers on which they are automated, including computer software, awarded to a vendor by a state agency covered by the Information Resources Management Act (Article 4431(32j), Revised Statutes), or any telecommunications apparatus or device that serves as a component of a voice, data, or video communications network for the purpose of transmitting, switching, routing, multiplexing, modulating, amplifying, or receiving signals on that network.

(5) "Best value" means lowest overall cost of information systems based on the following factors including, but not limited to:

(A) purchase price;

(B) compatibility to facilitate exchange of existing data;

(C) capacity for expansion and upgrading to more advanced levels of technology;

(D) quantitative reliability factors;

(E) the level of training required to bring end-users to a stated level of proficiency;

(F) the technical support requirements for maintenance of data across a network platform and management of the network's hardware and software; and

(G) compliance with applicable statewide standards adopted by the Department of Information Resources or a subsequent entity as validated by criteria established by the department or a subsequent entity in administrative rule.

(6) "Qualified information systems vendor" means manufacturers or resellers of automated information systems who are authorized by the commission to publish catalogues of products and services which may be directly purchased by state agencies covered by the Information Resources Management Act (Article 4431(32j), Revised Statutes).

The amendment was read and was adopted by a viva voce vote.

Senator West offered the following amendment to the bill:

Floor Amendment No. 12

Amend C.S.H.B. 2626 as follows:

(1) Strike Section 1 of the bill and substitute the following appropriately numbered sections of the bill:

SECTION _____. Section 1.02(3), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(3) "Historically underutilized [~~Disadvantaged~~] business" means:

(A) a corporation formed for the purpose of making a profit in which at least 51 percent of all classes of the shares of stock or other equitable securities are owned by one or more persons who;

(i) are socially disadvantaged because of their identification as members of certain groups, including black Americans, Hispanic Americans, women, Asian Pacific Americans, and Native Americans, and [who] have suffered the effects of discriminatory practices or similar insidious circumstances over which they have no control; and

(ii) have a proportionate interest and demonstrate active participation in the control, operation, and management of the corporation's affairs;

(B) a sole proprietorship created for the purpose of making a profit that is 100 percent owned, operated, and controlled by a person described by Paragraph (A)(i) of this subdivision;

(C) a partnership formed for the purpose of making a profit in which at least 51 percent of the assets and interest in the partnership is owned by one or more persons who;

(i) are described by Paragraph (A)(i) of this subdivision; and

(ii) [~~Those persons must~~] have a proportionate interest and demonstrate active participation in the control, operation, and management of the partnership affairs;

(D) a joint venture in which each entity in the joint venture is a historically underutilized [~~disadvantaged~~] business under this subdivision; or

(E) a supplier contract between a historically underutilized [~~disadvantaged~~] business under this subdivision and a prime contractor under which the historically underutilized [~~disadvantaged~~] business is directly involved in the manufacture or distribution of the supplies or materials or otherwise warehouses and ships the supplies.

SECTION _____. Section 1.03, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1.03. Historically underutilized [~~Disadvantaged~~] BUSINESSES.

(a) The commission [~~Office of Small Business Assistance of the Texas Department of Commerce~~] shall certify businesses that are historically underutilized [~~disadvantaged~~] businesses. As part of its certification procedures, the commission [~~office~~] may approve a municipal program that certifies historically underutilized [~~disadvantaged~~] businesses under substantially the same definition prescribed by Section 1.02(3) of this Act and may certify businesses certified by the municipality as historically underutilized [~~disadvantaged~~] businesses under this Act.

(b) The commission [~~office~~] shall compile in the most cost-efficient format a directory of businesses certified as historically underutilized [~~disadvantaged~~] businesses under Subsection (a) of this section. The

commission [office] shall update the directory at least semiannually and provide a copy of the directory to [the commission and] each state agency semiannually. The commission shall provide access to the directory either electronically or in another format, depending on the needs of each state agency. On request, the commission shall make the directory available to local governments and the public. The commission and state agencies shall use the directory in determining awards of state purchasing and public works contracts.

(c) The commission shall annually prepare a report based on a compilation and analysis of [commission and each state agency shall report to the office] the total number and dollar amount of contracts awarded to historically underutilized [disadvantaged] businesses in the preceding fiscal year. The commission shall submit the report [These reports shall be made each January and July and shall report on the previous six-month period. The office shall compile and analyze the reports and submit a report based on the analysis] to the presiding officer of each house of the legislature each February. The commission may require information from a state agency and may adopt rules to administer this section. Not later than December 15 of each year, each state agency shall submit to the commission information required by the commission for its preparation of the report required by this subsection. The comptroller shall provide information to the commission that will assist the commission in the performance of its duties under this section. Subsections (d)-(j) of this section apply to the report and information required under this subsection.

(d) Each state agency that participates in a group purchasing program under Section 3.01(a)(5) of this Act shall include in the information submitted to the commission under Subsection (c) of this section a separate list of purchases from historically underutilized businesses that are made through the group purchasing program and shall report the dollar amount of each purchase that is allocated to the reporting agency.

(e) To ensure accuracy in reporting the use of historically underutilized businesses, each state agency shall continuously maintain, and shall compile monthly, information relating to the agency's use, and the use by each operating division of the agency, of historically underutilized businesses, including information regarding subcontractors and suppliers required by Subsection (f) of this section.

(f) A contractor or supplier to whom a state agency has awarded a contract shall report to the agency the identity of each historically underutilized business to whom the contractor or supplier has awarded a subcontract for the purchase of supplies, materials, services, or equipment.

(g) The commission, in cooperation with the comptroller and each state agency reporting under this section, shall categorize each historically underutilized business that is included in a report under this section by sex, race, and ethnicity.

(h) The report required by Subsection (c) of this section shall include an analysis of the relative level of opportunity for historically underutilized businesses for various classes or categories of acquisitions of materials, supplies, equipment, and services.

(i) The commission shall seek the advice of the governor, the legislature, and state agencies in facilitating identification of and development of opportunities for historically underutilized businesses.

(j) ~~(d)~~ The commission shall offer assistance and training to historically underutilized ~~[disadvantaged]~~ businesses regarding state procurement procedures. The commission shall advise historically underutilized ~~[disadvantaged]~~ businesses of the availability of state contracts and advise historically underutilized ~~[disadvantaged]~~ businesses to enter the businesses' names on the state's bid list.

(k) It is the intent of this measure that reports of historically underutilized business purchasing and contracts shall form a record of each agency's purchases in which the agency selected the vendor. If the vendor was selected by the commission as part of its state contract program, the purchase shall be reflected on the commission's report of its own purchases except in those cases where an agency selects a sole source vendor under the provisions of Section 3.09 of this Act. In the case of Section 3.09 purchases, the selections of vendors shall remain part of the record of the agency selecting the vendor, not the commission.

(l) The commission shall compare the historically underutilized businesses list from the comptroller's and each state agency's report filed pursuant to this section with the list of historically underutilized businesses certified by the commission and shall categorize each state agency list by the gender and ethnicity of each historically underutilized business according to the list of historically underutilized businesses certified by the commission. The commission shall compile, analyze, and consolidate the reports and submit a report based on the final analysis to the presiding officer of each house of the legislature and the members of the legislature and to each state agency on April 1 and October 1 of each year.

SECTION _____. Section 1.04(a), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) A person commits an offense if the person intentionally applies as a historically underutilized ~~[disadvantaged]~~ business for an award of a purchasing contract or public works contract under this Act and the person knowingly does not meet the definition of a historically underutilized ~~[disadvantaged]~~ business under Section 1.02(3) of this Act.

(2) Add the following appropriately numbered sections of the bill:

SECTION _____. Section 3.07(b), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) Each emergency purchase made under this section is subject to the historically underutilized ~~[disadvantaged]~~ business provisions of Section 3.10 of this article.

SECTION _____. Section 3.10(b), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) The commission and each state agency shall make a good faith effort to assist historically underutilized ~~[disadvantaged]~~ businesses to receive not less than 30 ~~[at least 10]~~ percent of the total value of all

contract awards for the purchase of supplies, materials, services, and equipment that the commission or other agency expects to make during ~~[for]~~ a ~~[state agency in its]~~ fiscal year. The commission and each state agency shall estimate the expected total value of the ~~[an agency's]~~ contract awards they expect to make that are subject to this subsection not later than the 60th day of the agency's fiscal year and may revise the estimate as new information requires.

SECTION _____. Section 5.36, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5.36. PUBLIC WORKS CONTRACTS WITH CERTAIN BUSINESSES. A state agency that enters into a contract for a project, including a project constructed by or for an agency otherwise excepted under Section 5.13 of this article, shall make a good faith effort to assist historically underutilized ~~[disadvantaged]~~ businesses to receive not less than 30 ~~[at least 10]~~ percent of the total value of each construction contract award that the agency expects to make in its fiscal year. Each agency shall estimate the expected total value of contract awards under this article not later than the 60th day of its fiscal year and may revise the estimate as new information requires.

(3) In Section 10 of the bill, strike "disadvantaged" and substitute "historically underutilized".

(4) Strike Section 46 of the bill and substitute the following appropriately numbered section:

SECTION _____. On the effective date of this Act, all powers, duties, and obligations of the Office of Small Business Assistance of the Texas Department of Commerce under Section 1.03, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), are transferred to the General Services Commission as prescribed by the changes to Section 1.03 made by this Act. All records and property in the custody of the office that relate to a function transferred by this Act are transferred to the commission. All appropriations to the office for functions transferred by this Act and all employees of the office employed primarily to engage in those functions are transferred to the commission. An application for certification as a historically underutilized business is transferred without change in status from the office to the commission. All rules, standards, and specifications of the office relating to the functions transferred by this Act remain in effect as rules, standards, and specifications of the commission unless superseded by proper authority of the commission. All references in a transferred application, rule, standard, or specification to disadvantaged businesses is considered to be a reference to historically underutilized businesses. A prior certification made by the office that a business is a disadvantaged business is considered to be a certification that a business is a historically underutilized business.

(5) Renumber sections of the bill appropriately.

The amendment was read and was adopted by a viva voce vote.

Senator Haley offered the following amendment to the bill:

Floor Amendment No. 13

Amend C.S.H.B. 2626 by striking Section 23 of the bill and substituting the following:

SECTION 23. Article 6, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 6.021 to read as follows:

Sec. 6.021. SPACE USE STUDY: LIMITATION ON ALLOCATION OF SPACE. (a) The commission periodically shall conduct a study to determine the space requirements of various state agencies that occupy space under the commission's charge and control, including state-owned space and space leased from other sources.

(b) The commission shall use the results of the study to:

(1) determine the optimal amount of space required for various state agency uses; and

(2) allocate space to state agencies in the best and most efficient manner possible.

(c) The commission may not allocate space to a state agency as defined in Articles I and II of the General Appropriations Act that exceeds an average of 153 square feet for each agency employee for each agency site for usable office space as defined by the General Services Commission, with the exception of an agency site at which 15 or fewer employees are located, insofar as possible without sacrifice of critical public or client services by the end of the 1994-1995 biennium. This subsection does not apply to:

(1) warehouse space;

(2) laboratory space;

(3) storage space exceeding 1,000 gross square feet; or

(4) another type of space specified by commission rule, if the commission determines that it is not practical to apply this subsection to the specified space.

(d) The commission shall conduct a study under this section at least once during each state fiscal biennium.

(e) This section does not apply to space that is not occupied by a state agency as defined by Section 1.02 of this Act.

The amendment was read and was adopted by a viva voce vote.

Senator Haley offered the following amendment to the bill:

Floor Amendment No. 14

Amend C.S.H.B. 2626 by adding the following appropriately numbered sections to the bill and renumbering existing sections of the bill appropriately:

SECTION _____. Section 4.01, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Subsection (b-1) to read as follows:

(b-1) The space in the old State Board of Insurance State Office Building, located on San Jacinto Street between 11th and 12th streets in Austin, is allocated to the legislature and legislative agencies for their use.

The presiding officers of each house of the legislature shall jointly decide the allocation of the space within the building.

SECTION _____. Section 27, Texas Public Finance Authority Act (Article 601d, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 27. PURCHASE AND RENOVATION OF TEXAS EMPLOYMENT COMMISSION PROPERTY. (a) The Texas Employment Commission shall sell to the commission office buildings and parking facilities in its possession in or near the Capitol Complex, and the commission shall purchase and renovate the buildings and parking facilities, at an estimated cost of \$46,000,000. The purchase and renovation is approved for financing in accordance with Section 9 of this Act and bonds may be issued to finance the purchase and renovation in accordance with Section 10 of this Act [a sales price that shall not exceed the maximum amount of funds authorized for the acquisition and renovation in Chapter 700, Acts of the 68th Legislature, Regular Session, 1983].

(b) After the office buildings have been acquired, the commission may, from funds made available by the authority, renovate the facilities as necessary for occupancy in accordance with the allocation of space within the building made under Subsection (c) of this section [by other state agencies]. In negotiating the price for the Texas Employment Commission facilities, the commission shall consider the cost to the Texas Employment Commission of alternative space outside the Capitol Complex. The commission shall also consider the price in the context of the reasonable rates that might otherwise be paid by prospective occupying state agencies for rent in comparable space.

(c) The space in the office buildings and parking facilities is allocated to the legislature and legislative agencies for their use. The presiding officers of each house of the legislature shall jointly decide the allocation of the space within the buildings and facilities.

The amendment was read and was adopted by a viva voce vote.

Senator Patterson offered the following amendment to the bill:

Floor Amendment No. 15

Amend C.S.H.B. 2626 in Section 10 of the bill, in Subsection (d) of Section 3.101, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as amended by the bill, strike "\$10,000" and substitute "\$15,000".

The amendment was read and was adopted by a viva voce vote.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 16

Amend C.S.H.B. 2626, SECTION 30, at page 13, line 17, adding a new paragraph (6) as follows:

(6) the Commissioner of the Texas Employment Commission representing Labor.

The amendment was read and was adopted by a viva voce vote.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 17

Amend C.S.H.B. 2626 by adding a new Section 15.09 on page 13, after line 67, to read as follows:

Sec. 15.09. OPEN MEETINGS AND OPEN RECORDS LAWS. The council is subject to the open meetings law, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-17, Vernon's Texas Civil Statutes), and its subsequent amendments, and the open records law, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), and its subsequent amendments,

The amendment was read and was adopted by a viva voce vote.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 18

Amend C.S.H.B. 2626 on page 13 beginning at line 60 by adding a new Section 15.07 and renumber subsequent subsections to read as follows:

"Sec. 15.07. COST COMPARISON AND CONTRACT CONSIDERATIONS. In comparisons of the cost of providing a service the council must consider the cost of supervising the work of any private contractor, the cost of state paid workers compensation insurance, and the cost associated with any state layoffs which may occur as the result of any contract. All bids or contracts must include health care benefits and retirement for employees of the contractor which are reasonably comparable to those of the state and must include workers compensation insurance."

The amendment was read.

Senator Ratliff offered the following amendment to Floor Amendment No. 18:

Floor Amendment No. 18A

Amend Floor Amendment No. 18 to C.S.H.B. 2626 to add the following:

The council must also consider the total cost to the agency of that agency's performing a service, such total cost to include all indirect costs related to that agency including costs of such agencies as the Comptroller, the Treasurer, the Attorney General, and other such support agencies.

The amendment to Floor Amendment No. 18 was read.

On motion of Senator Turner and by unanimous consent, Floor Amendment No. 18 was withdrawn.

On motion of Senator Ratliff and by unanimous consent, Floor Amendment No. 18A was withdrawn.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 19

Amend C.S.H.B. 2626 as follows:

1) By adding a new, appropriately numbered section on page 13, after line 67, to read as follows:

Sec. 15.10. LEGISLATIVE APPROVAL REQUIRED. All recommendations by the council which involve a contract amount in excess of \$5 million must be approved by an affirmative vote of both houses of the legislature before such contract may be awarded.

2) By inserting a new Subsection (d) on page 18, after line 13, to read as follows:

(d) The approval required by Section 15.10 of Article 15, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as added by this Act, does not apply to this section.

3) Renumber remaining sections appropriately.

The amendment was read and failed of adoption by the following vote: Yeas 10, Nays 19.

Yeas: Barrientos, Carriker, Luna, Madla, Moncrief, Rosson, Truan, Turner, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Montford, Nelson, Parker, Patterson, Ratliff, Shapiro, Shelley, Sibley, Wentworth, West.

Absent-excused: Brown, Sims.

Senator Whitmire offered the following amendment to the bill:

Floor Amendment No. 20

Amend C.S.H.B. 2626 by adding the following appropriately numbered section and renumbering existing sections as appropriate:

SECTION ____ Article 5, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 5.342 to read as follows:

Sec. 5.342. BUILDING IN HOUSTON. If the commission is to buy or build a building in Houston, the building must be located in a community development block grant targeted area.

The amendment was read.

(Senator Henderson in Chair)

(President in Chair)

POINT OF ORDER

Senator Harris of Dallas raised a point of order that Floor Amendment No. 20 was in violation of Senate Rule 7.16, which states that no amendment to any tax bill or sunset bill on second reading shall be considered unless the subject matter it entails has been discussed at a Senate committee meeting at which the bill was heard.

The President ruled the point of order was well-taken and sustained.

(Senator Henderson in Chair)

(President in Chair)

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 21

Amend C.S.H.B. 2626 on page 13 beginning at line 60 by adding a new Section 15.07 and renumber subsequent subsections to read as follows:

“Sec. 15.07. COST COMPARISON AND CONTRACT CONSIDERATIONS. In comparisons of the cost of providing a service the council must consider the cost of supervising the work of any private contractor. All bids or contracts must include an analysis of health care benefits, retirement, and workers compensation insurance for employees of the contractor which are reasonably comparable to those of the state.”

The amendment was read.

Senator Ratliff offered the following amendment to Floor Amendment No. 21:

Floor Amendment No. 21A

Amend Floor Amendment No. 21 to C.S.H.B. 2626 to add the following:

The council must also consider the total cost to the agency of that agency's performing a service, such total cost to include all indirect costs related to that agency including costs of such agencies as the Comptroller, the Treasurer, the Attorney General, and other such support agencies.

The amendment to Floor Amendment No. 21 was read and was adopted by a viva voce vote.

Question recurring on the adoption of Floor Amendment No. 21 as amended, the amendment as amended was adopted by a viva voce vote.

RECORD OF VOTE

Senator Harris of Tarrant asked to be recorded as voting “Nay” on the adoption of Floor Amendment No. 21 as amended.

Senator Patterson again offered the following amendment to the bill:

Floor Amendment No. 7

Amend C.S.H.B. 2626 by adding the following new section of the bill, appropriately numbered, and by renumbering existing sections of the bill appropriately:

SECTION . Section 3.01(a), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The commission shall purchase, lease, rent, or otherwise acquire all supplies, materials, services, and equipment for all state agencies, including spot purchases and purchases that do not require a competitive bid, except for;

(1) the following materials, supplies, equipment, and services acquired for libraries operated as a part of university systems or institutions of higher education ~~[or for state-owned hospitals or clinics]~~:

(A) ~~[(+)]~~ serial and journal subscriptions;

(B) ~~[(+)]~~ library materials, including books not available under a statewide contract and papers;

(C) ~~[(+)]~~ library services including binding services not available under a statewide binding contract; and

(D) ~~[(+)]~~ library equipment and supplies; ~~and~~

(2) ~~[(+)]~~ materials, supplies, or equipment purchased by a state-owned hospital or clinic through a group purchasing program that offers purchasing services at discount prices to two or more hospital or clinic facilities if the chief executive officer of the hospital or clinic or his designee certifies that the purchase of the particular supplies, material, or equipment through the group purchasing program is the most cost-effective method of purchasing available; and

(3) materials, supplies, or equipment purchased by an institution of higher education, including a junior or community college, through a group purchasing program that offers purchasing services at discount prices to two or more institutions of higher education or private colleges and universities if the chief executive officer of the institution of higher education or the officer's designee certifies that:

(A) the purchase of the particular supplies, materials, or equipment through the group purchasing program is the most cost-effective method of purchasing available; and

(B) the institution of higher education complies with all state laws relating to the use of historically underutilized businesses.

The amendment was again read.

Senator West offered the following amendment to Floor Amendment No. 7:

Floor Amendment No. 7A

Floor Amendment No. 7 to C.S.H.B. 2626 is hereby amended as follows:

In Section 3(b) add the following language after "state law" and before "relating" General Services Commission rules.

The amendment to Floor Amendment No. 7 was read.

On motion of Senator West and by unanimous consent, Floor Amendment No. 7A was withdrawn.

Question recurring on the adoption of Floor Amendment No. 7, on motion of Senator West, Floor Amendment No. 7 was tabled by the following vote: Yeas 16, Nays 13.

Yeas: Armbrister, Barrientos, Carriker, Ellis, Haley, Leedom, Luna, Madla, Moncrief, Parker, Ratliff, Rosson, Truan, West, Whitmire, Zaffirini.

Nays: Bivins, Harris of Tarrant, Harris of Dallas, Henderson, Lucio, Montford, Nelson, Patterson, Shapiro, Shelley, Sibley, Turner, Wentworth.

Absent-excused: Brown, Sims.

Senator Whitmire offered the following amendment to the bill:

Floor Amendment No. 22

Amend C.S.H.B. 2626 by adding the following appropriately numbered section and renumbering existing sections as appropriate:

SECTION ____ Article 5, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 5.342 to read as follows:

Sec. 5.342. BUILDING IN HOUSTON. If the commission is to buy or build a building in Houston, the real property on which the building is or will be located must be donated by the City of Houston or Harris County.

The amendment was read.

POINT OF ORDER

Senator Henderson raised a point of order that Floor Amendment No. 22 on second reading was in violation of Senate Rule 7.16, which states that no amendment to any tax bill or sunset bill on second reading shall be considered unless the subject matter it entails has been discussed at a Senate committee meeting at which the bill was heard.

The President ruled the point of order was well-taken and sustained.

On motion of Senator Harris of Dallas and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

RECORD OF VOTE

Senator Barrientos asked to be recorded as voting "Nay" on the passage of the bill to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2626 ON THIRD READING**

Senator Harris of Dallas moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.H.B. 2626 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Barrientos.

Absent-excused: Brown, Sims.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Barrientos asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 507 ON THIRD READING

Senator Wentworth moved that the regular order of business be suspended and that S.B. 507 be placed on its third reading and final passage.

S.B. 507, Relating to county regulation of subdivisions.

The motion prevailed by the following vote: Yeas 24, Nays 4.

Yeas: Armbrister, Barrientos, Bivins, Carriker, Ellis, Haley, Henderson, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shelley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Harris of Tarrant, Leedom, Shapiro, Sibley.

Absent: Harris of Dallas.

Absent-excused: Brown, Sims.

The bill was read third time and was passed by a viva voce vote.

(Senator Truan in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 684 ON THIRD READING**

Senator Armbrister moved that the regular order of business be suspended and that C.S.S.B. 684 be placed on its third reading and final passage.

C.S.S.B. 684, Relating to the regulation of emissions from an agricultural operation.

The motion prevailed by the following vote: Yeas 19, Nays 9.

Yeas: Armbrister, Barrientos, Bivins, Carriker, Haley, Leedom, Lucio, Madla, Montford, Nelson, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Turner, Wentworth, Whitmire.

Nays: Ellis, Harris of Tarrant, Henderson, Luna, Moncrief, Parker, Truan, West, Zaffirini.

Absent: Harris of Dallas.

Absent-excused: Brown, Sims.

The bill was read third time.

Senator Parker offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 684 by adding to page 5, line 5, between "to" and "the," the following:
"quality of life and"

By unanimous consent, the amendment was read and was adopted by a viva voce vote.

Senator Carriker offered the following amendment to Floor Amendment No. 1 (Floor Amendment No. 1 having been adopted on second reading Thursday, May 13, 1993):

Floor Amendment No. 3

Amend Floor Amendment No. 1 (as amended and adopted on second reading) to C.S.S.B. 684 as follows:

(1) On page 6, line 10, insert “(1)” between the words “unless” and “the”;

(2) On page 6, line 14, delete “(1)” and replace it with “(i)”;

(3) On page 6, line 16, delete “(2)” and replace it with “(ii)”;

(4) On page 6, line 17, insert the following after the word “public” and before the period:

“: or

(2) unless the board finds a party was located in the immediate vicinity of the agricultural operation prior to the establishment of the agricultural operation”.

By unanimous consent, the amendment to the amendment was read and was adopted by a viva voce vote.

On motion of Senator Armbrister and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

The bill as amended was finally passed by the following vote: Yeas 17, Nays 11.

Yeas: Armbrister, Bivins, Carriker, Haley, Harris of Tarrant, Lucio, Luna, Madla, Montford, Nelson, Patterson, Ratliff, Rosson, Shapiro, Shelley, Turner, Wentworth.

Nays: Barrientos, Ellis, Henderson, Leedom, Moncrief, Parker, Sibley, Truan, West, Whitmire, Zaffirini.

Absent: Harris of Dallas.

Absent-excused: Brown, Sims.

(President in Chair)

(Senator Parker in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1180 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1180, Relating to the regulation of indoor air quality.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Amend **C.S.S.B. 1180** as follows:

Page 2, line 62, strike “two public members” and substitute One public member; and one licensed interior designer

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1180 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1180 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Brown, Sims.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Harris of Tarrant, Bivins, and Henderson asked to be recorded as voting "Nay" on the final passage of the bill.

(President in Chair)

HOUSE BILL 23 ON SECOND READING

On motion of Senator Shelley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 23, Relating to communications between law enforcement authorities and school officials about certain crimes or gang activities; providing a penalty.

The bill was read second time.

Senator Shelley offered the following amendment to the bill:

Floor Amendment No. 1

Amend **H.B. 23** as follows: On page 1, line 59, between "who" and "is", insert "transfers from a school or"

The amendment was read and was adopted by a viva voce vote.

Senator Rosson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **H.B. 23** as follows: On page 1, line 24, strike "detains" and insert "takes into custody as provided by Chapter 52, Family Code."

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Shelley and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 23 ON THIRD READING

Senator Shelley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 23** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Brown, Sims.

The bill was read third time and was passed by a viva voce vote.

VOTE RECONSIDERED

On motion of Senator Whitmire and by unanimous consent, the vote by which H.B. 1200 was finally passed was reconsidered.

H.B. 1200, Relating to decedents' estates, multiple-party accounts, and trusts.

Question—Shall H.B. 1200 be finally passed?

Senator Whitmire offered the following amendment to the bill:

Floor Amendment No. 1

Amend H.B. 1200 by adding the following as Section ____ and renumbering original sections accordingly:

SECTION 34. DUTIES OF A LIFE TENANT. (a) Subject to the provisions of Subsection (2), if the life tenant of any legal life estate is given the power to sell and reinvest any life tenancy property then such life tenant shall, with respect to the sale and reinvestment of such property, be subject to all of the fiduciary duties of a trustee imposed by either the Texas Trust Code or the common law of Texas.

(b) A life tenant may retain, as life tenancy property, any real property originally conveyed to such life tenant without being subject to the fiduciary duties of a trustee; such person shall, however, be subject to the common law duties of a life tenant.

By unanimous consent, the amendment was read and was adopted by a viva voce vote.

On motion of Senator Whitmire and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

The bill as amended was again finally passed by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1435 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1435, Relating to the location of certain solid waste disposal facilities.

The bill was read second time and was passed to engrossment by the following vote: Yeas 25, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Carriker, Ellis, Harris of Tarrant, Henderson, Leedom, Lucio, Luna, Madla, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Haley, Moncrief, Shelley.

Absent: Harris of Dallas.

Absent-excused: Brown, Sims.

**COMMITTEE SUBSTITUTE
SENATE BILL 1435 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1435 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Carriker, Ellis, Harris of Tarrant, Henderson, Leedom, Lucio, Luna, Madla, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Haley, Moncrief, Shelley.

Absent: Harris of Dallas.

Absent-excused: Brown, Sims.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 1.

Nays: Moncrief.

Absent: Harris of Dallas.

Absent-excused: Brown, Sims.

SENATE BILL 1485 ON SECOND READING

On motion of Senator Harris of Tarrant and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1485, Relating to the method of dissolution for certain municipal utility districts.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1485 ON THIRD READING

Senator Harris of Tarrant moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 1485 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Brown, Sims.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1471 ON SECOND READING**

On motion of Senator Harris of Tarrant and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1471, Relating to liability insurance coverage for charitable organizations.

The bill was read second time.

Senator Harris of Tarrant offered the following amendment to the bill:

Amend **C.S.S.B. 1471** as follows:

On line 59 of the committee printing, delete "or" and replace with " " " " " "

Beginning on line 60, delete Subsection (D) entirely.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Harris of Tarrant and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1471 ON THIRD READING**

Senator Harris of Tarrant moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1471** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Brown, Sims.

The bill was read third time and was passed by a viva voce vote.

GUEST PRESENTED

The President introduced to the Senate United States Congressman Gregg Laughlin.

The Senate welcomed Congressman Laughlin.

**MOTION TO PLACE
HOUSE BILL 850 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration at this time:

H.B. 850, Relating to permitting certain students to take the examination for a license to practice law in this state.

The motion was lost by the following vote: Yeas 17, Nays 10. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Barrientos, Carriker, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Ratliff, Rosson, Shapiro, Turner, West, Whitmire, Zaffirini.

Nays: Bivins, Ellis, Haley, Montford, Nelson, Parker, Patterson, Shelley, Sibley, Wentworth.

Absent: Harris of Tarrant, Truan.

Absent-excused: Brown, Sims.

HOUSE BILL 860 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 860, Relating to the prohibition of certain discriminatory employment practices.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 860 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 860** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Brown, Sims.

The bill was read third time and was passed by a viva voce vote.

HOUSE BILL 871 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 871, Relating to motor vehicle registrations by limited service deputy tax assessor-collectors.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 871 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 871** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Brown, Sims.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

HOUSE BILL 1011 ON SECOND READING

Senator Armbrister moved to suspend the regular order of business to take up for consideration at this time:

H.B. 1011, Relating to reimbursement of the general revenue fund from the Texas Racing Commission fund.

The motion prevailed by the following vote: Yeas 21, Nays 5.

Yeas: Armbrister, Barrientos, Bivins, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Lucio, Luna, Madla, Moncrief, Montford, Patterson, Ratliff, Rosson, Shelley, Turner, Wentworth, West, Zaffirini.

Nays: Leedom, Nelson, Parker, Shapiro, Sibley.

Absent: Henderson, Truan, Whitmire.

Absent-excused: Brown, Sims.

The bill was read second time and was passed to third reading by a viva voce vote.

RECORD OF VOTES

Senators Leedom and Nelson asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 1011 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 1011** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Nelson.

Absent-excused: Brown, Sims.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Lucio, Luna, Madla, Moncrief, Montford, Parker, Patterson, Ratliff, Rosson, Shelley, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Leedom, Nelson, Shapiro.

Absent-excused: Brown, Sims.

COMMITTEE SUBSTITUTE

SENATE BILL 1226 ON SECOND READING

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1226, Relating to the impact of governmental acts on the value of property.

The bill was read second time.

Senator Bivins offered the following amendment to the bill:

Amend C.S.S.B. 1226 as follows:

On page 1, line 29, after "28." Strike the remainder of line 29 and all of line 30 and substitute "Evaluation of Governmental Actions Affecting Private Property"

On page 1, lines 32-33: (Section 28.001) Delete "(1) 'Diminution in value' means a reduction in the fair market value of property." and renumber accordingly.

On page 1, lines 48-59: (Sec. 28.002) Delete Sec. 28.002 in its entirety and renumber the remaining sections accordingly.

On page 1, line 62: (Sec. 28.003 (a)) Strike the words "in identifying" and substitute the following in their place: "in evaluating".

On page 2, line 3: (Sec. 28.004) Strike "ASSESSMENT" and substitute "EVALUATION"

On page 2, line 5: (Sec. 28.004) Strike "assess" and substitute "evaluate"

On page 2, line 6: (Sec. 28.004) Strike "assessment" and substitute "evaluation"

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Bivins and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1226 ON THIRD READING

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1226 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Brown, Sims.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 2.

Yeas: Armbrister, Bivins, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Barrientos, Moncrief.

Absent-excused: Brown, Sims.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Barrientos submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with the recommendation that they be confirmed.

To be a Member of the TEXAS BOARD OF ARCHITECTURAL EXAMINERS: Theodore Stuart Maffitt, Jr., Anderson County.

To be a Member of the STATE BOARD OF EXAMINERS OF MARRIAGE AND FAMILY THERAPISTS: June Hicks, Eastland County.

To be Members of the TEXAS COMMISSION FOR THE DEAF AND HEARING IMPAIRED: Dr. Milburn L. Coleman III, Dallas County; Larry M. Correu, Bexar County; Delores Erlandson, Howard County; Valerie Newell Johnson, McLennan County; Linda Phillips Thune, Travis County.

To be a Member of the TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS BOARD: Judith Barrett McDonald, Nacogdoches County.

To be Presiding Judge of the SECOND ADMINISTRATIVE JUDICIAL REGION: Judge Thomas J. Stovall, Jr., Harris County.

To be a Member of the STATE BOARD OF BARBER EXAMINERS: Robert Castro, El Paso County.

To be Members of the TEXAS COSMETOLOGY COMMISSION: Lucille Coronado Garcia, Bexar County; Dianna Gale Mays, Hunt County.

To be a Member of the TEXAS COMMISSION FOR THE DEAF AND HEARING IMPAIRED: Michelle Bailey, Harris County.

To be Members of the GOVERNING BOARD OF THE TEXAS SCHOOL FOR THE DEAF: Johnelle M. Cortner, Harris County; Robert Edward Parrish, Dallas County.

To be Members of the STATE BOARD OF EXAMINERS OF DIETITIANS: Maxine Billinger Freeman, Harris County; Janice M. Walker, Harris County.

To be Members of the EAST TEXAS STATE UNIVERSITY BOARD OF REGENTS: Raymond B. Cameron, Rockwall County; Martha H. Whitehead, Gregg County.

To be Members of the HOSPITAL LICENSING ADVISORY COUNCIL: Dr. Jane Perez, Waller County; Barbara L. Watkins, Dallas County.

To be a Member of the TEXAS NATIONAL GUARD ARMORY BOARD: Howell Lynn "Hal" Boyd, Howard County.

To be Members of the TEXAS SPACE COMMISSION: Wayne S. Alexander, Harris County; Ronald G. Bliss, Harris County; Stephanie A. Coleman, Bexar County; Dr. James Gary Lipe, Tarrant County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Barrientos gave notice that he would Monday, May 17, 1993, at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

HOUSE BILL 2751 REREFERRED

On motion of Senator Madla and by unanimous consent, H.B. 2751 was withdrawn from the Committee on Jurisprudence and was rereferred to the Committee on Intergovernmental Relations.

HOUSE BILL 2750 REREFERRED

On motion of Senator Madla and by unanimous consent, H.B. 2750 was withdrawn from the Committee on Jurisprudence and was rereferred to the Committee on Intergovernmental Relations.

SENATE BILL 405 WITH HOUSE AMENDMENTS

Senator Carriker called S.B. 405 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment

Amend S.B. 405 by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the continuation of the Texas Department of Commerce.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 481.003, Government Code, is amended to read as follows:

Sec. 481.003. SUNSET PROVISION. The Texas Department of Commerce is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this chapter expires September 1, 2001 [~~1993~~].

SECTION 2. Section 481.004, Government Code, is amended by adding Subsection (e) to read as follows:

(e) At least one member of the policy board must be a resident of a county with a population of less than 30,000.

SECTION 3. Section 481.0041(a), Government Code, is amended to read as follows:

(a) It is a ground for removal from the policy board if a member:

(1) does not have at the time of appointment the qualifications required by Section 481.0042;

(2) does not maintain during service on the policy board the qualifications required by Section 481.0042;

(3) violates a prohibition established by Section 481.0042;

(4) [~~(2)~~] cannot discharge the member's duties for a substantial part of the term for which the member is appointed because of illness or disability; or

(5) [~~(3)~~] is absent from more than half of the regularly scheduled policy board meetings that the member is eligible to attend during a calendar year unless the absence is excused by majority vote of the policy board.

SECTION 4. Section 481.0042, Government Code, is amended to read as follows:

Sec. 481.0042. CONFLICT OF INTEREST. (a) A person may not serve as a public member of the policy board or be the executive director or an employee of the department if the person:

(1) is employed by, participates in the management of, or is a paid consultant of a business entity that contracts with the department;

(2) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization that contracts with the department;

(3) uses or receives a substantial amount of tangible goods, services, or funds from the department, other than compensation or reimbursement authorized by law for employee salaries and benefits or for policy board membership, attendance, and expenses; or

(4) is an officer, employee, or paid consultant of a trade association of businesses that contracts with the department.

(b) A person may not serve as a public member of the policy board or be the executive director or an employee of the department if the person's spouse:

(1) participates in the management of or is a paid consultant of a business entity that contracts with the department;

(2) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization that contracts with the department;

(3) uses or receives a substantial amount of tangible goods, services, or funds from the department; or

(4) is an officer, manager, or paid consultant of a trade association of businesses that contracts with the department.

~~(c) [A member of the policy board or the executive director or an employee of the department may not:~~

~~[(1) be an officer, employee, or paid consultant of a business entity that contracts with the department;~~

~~[(2) directly own, control, or have any interest in a business entity that contracts with the department; or~~

~~[(3) accept or solicit any gift, favor, or service that would reasonably tend to influence the person in the discharge of official duties or that the person knows or should know is being offered with the intent to influence official conduct.~~

~~[(b) An officer, employee, or paid consultant of a business entity or a trade association of business entities that contracts with the department may not be a member of the policy board or the executive director or employee of the department.~~

~~[(c) A person who is the spouse of an officer, manager, or paid consultant of a business entity or a trade association of business entities that contracts with the department may not be a member of the policy board or the executive director or an employee of the department.~~

~~[(d)] For the purposes of this section, a trade association is a nonprofit, cooperative, and voluntarily joined association of business or professional competitors designed to assist its members and its industry or~~

profession in dealing with mutual business or professional problems and in promoting their common interest.

~~(d) For the purposes of this section, a business entity is a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust, or any other entity recognized in law through which business for profit is conducted.~~

(e) A person may not be a member of the policy board or the executive director or an employee of the department if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a business entity that has an interest in a contract with the department or a profession related to the operation of the department.

SECTION 5. Section 481.0044(a), Government Code, is amended to read as follows:

(a) The policy board shall ~~may~~ adopt rules necessary for the administration of department programs and may adopt rules for its internal management and control.

SECTION 6. Section 481.005(d), Government Code, is amended to read as follows:

(d) The members of the policy board shall establish policy, adopt rules ~~[that the policy board may adopt under law]~~, evaluate the implementation of new legislation that affects the department's duties, review and comment on the department's budget, prepare an annual report of the department's activities, conduct investigations and studies, and develop long-range plans for the future goals and needs of the department. The members of the policy board may not be involved in the daily operation of the department. Except for duties related to the approval and issuance of bonds by the department, the policy board may delegate to the executive director the duties of the policy board under this chapter and other law that are not covered by the description of the members' duties under this subsection.

SECTION 7. Sections 481.010(a), (f), and (g), Government Code, are amended to read as follows:

(a) The executive director shall employ personnel necessary for the performance of department functions. In addition to other personnel, the executive director shall employ a human rights officer and an internal auditor. The internal auditor shall report directly to the policy board and may consult with the executive director or the executive director's designee ~~[the governor]~~.

(f) The executive director or the executive director's designee shall prepare and maintain a written policy statement to assure implementation of a program of equal employment opportunity under which all personnel transactions are made without regard to race, color, disability ~~[handicap]~~, sex, religion, age, or national origin. The policy statement must include:

(1) personnel policies, including policies relating to recruitment, evaluation, selection, appointment, training, and promotion of personnel that are in compliance with requirements of the Commission on Human Rights;

(2) a comprehensive analysis of the department work force that meets federal and state guidelines;

(3) procedures by which a determination can be made of significant ~~underuse~~ ~~[underutilization]~~ in the department work force of all persons for whom federal or state guidelines encourage a more equitable balance; and

(4) reasonable methods to appropriately address those areas of significant ~~underuse~~ ~~[underutilization]~~.

(g) A policy statement prepared under Subsection (f) must cover an annual period, be updated ~~[at least]~~ annually and reviewed by the Commission on Human Rights for compliance with Subsection (f)(1), and be filed with the governor's office.

SECTION 8. Section 481.011, Government Code, is amended to read as follows:

Sec. 481.011. FISCAL REPORT. The ~~executive director~~ ~~[department]~~ shall file annually with the governor and the presiding officer of each house of the legislature a complete and detailed written report accounting for all funds received and disbursed by the department during the preceding fiscal year. The annual report must be in the form and reported in the time provided by the General Appropriations Act.

SECTION 9. Section 481.012, Government Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) The ~~policy board~~ ~~[department]~~ shall prepare and maintain a written plan that describes how a person who does not speak English ~~[or who has a physical, mental, or developmental disability]~~ can be provided reasonable access to the department's programs. The policy board shall also comply with federal and state laws for program and facility accessibility.

(d) The policy board by rule shall establish methods by which consumers and service recipients are notified of the name, mailing address, and telephone number of the department for the purpose of directing complaints to the department.

SECTION 10. Section 481.021, Government Code, is amended to read as follows:

Sec. 481.021. GENERAL POWERS OF DEPARTMENT. (a) The department may:

- (1) adopt and enforce rules necessary to carry out this chapter;
- (2) adopt and use an official seal;
- (3) accept gifts, grants, or loans from and contract with any entity;
- (4) sue and be sued;
- (5) acquire and convey property or an interest in property;
- (6) procure insurance and pay premiums on insurance of any type, in accounts, and from insurers as the department considers necessary and advisable to accomplish any of the department's purposes; ~~and]~~

(7) hold patents, copyrights, trademarks, or other evidence of protection or exclusivity issued under the laws of the United States, any state, or any nation and may enter into license agreements with any third parties for the receipt of fees, royalties, or other monetary or nonmonetary value;

(8) sell advertisements in any medium; and

(9) exercise any other power necessary to carry out this chapter.

(b) Except as otherwise provided by this chapter, money paid to the department under this chapter shall be deposited in the state treasury.

(c) The department shall deposit contributions from private sources in a separate fund kept and held in escrow and in trust by the state treasurer for and on behalf of the department as funds held outside the treasury under Section 404.073, and the money contributed shall be used to carry out the purposes of the department and, to the extent possible, the purposes specified by the donors. The state treasurer may invest and reinvest the money, pending its use, in the fund in investments authorized by law for state funds that the state treasurer considers appropriate.

SECTION 11. Section 481.027(c), Government Code, is amended to read as follows:

(c) The department shall maintain regional offices in locations specified in the General Appropriations Act [maintain at least one regional office in Europe, at least one regional office in the Pacific Rim area, and at least one regional office in Mexico. Each regional office may have one or more satellite offices].

SECTION 12. Subchapter B, Chapter 481, Government Code, is amended by adding Section 481.028 to read as follows:

Sec. 481.028. MEMORANDUM OF UNDERSTANDING WITH OTHER STATE AGENCIES. (a) The department shall initiate negotiations for and enter into a memorandum of understanding with any other state agency involved in economic development to cooperate in program planning and budgeting.

(b) The department shall enter into an agreement as required by Subsection (a) with the:

(1) Department of Agriculture regarding each agency's international marketing efforts and business finance programs;

(2) Texas Employment Commission, Texas Higher Education Coordinating Board, and Central Education Agency regarding each agency's work force development efforts and literacy programs;

(3) General Land Office regarding each agency's promotion of alternative energy resources and rural economic development efforts;

(4) Texas Department of Housing and Community Affairs regarding each agency's community development programs;

(5) Texas Department of Transportation and Parks and Wildlife Department regarding each agency's efforts to promote tourism;

(6) Texas Air Control Board regarding small business finance and permits;

(7) office of the state comptroller regarding economic development and analyses;

(8) Texas Historical Commission regarding community preservation, restoration, and revitalization;

(9) Texas Department of Human Services regarding work force development;

(10) institutions of higher education regarding work force development, literacy, and technology transfer; and

(11) Texas Water Commission regarding the marketing of recyclable products and business permits.

(c) Each agency listed in Subsection (b) may enter into memoranda of understanding in areas other than those listed for the respective agency.

(d) The memorandum of understanding between the department and the other state agency shall be adopted as a rule of each department or agency.

SECTION 13. Subchapter B, Chapter 481, Government Code, is amended by adding Section 481.029 to read as follows:

Sec. 481.029. COST RECOVERY. The department shall recover the cost of providing direct technical assistance and management training services to businesses and communities when reasonable and practical.

SECTION 14. Sections 481.050(a) and (b), Government Code, are amended to read as follows:

(a) A member of the policy board, the executive director, or an agent or employee of the department, in the person's own name or in the name of a nominee, may not hold an ownership interest of more than the following amount in an association, trust, corporation, partnership, or other entity that is, in its own name or in the name of a nominee, a party to a contract or agreement under this ~~chapter~~ ~~[subchapter]~~ on which the member of the policy board, executive director, agent, or employee may be called on to act or vote:

- (1) 7-1/2 percent of the fair market value of the entity; or
- (2) \$50,000.

(b) With respect to a direct or indirect interest, other than an interest prohibited by Subsection (a), in a contract or agreement under this ~~chapter~~ ~~[subchapter]~~ on which the member of the policy board, executive director, agent, or employee may be called on to act or vote, the member of the policy board, executive director, agent, or employee shall disclose the interest to the secretary of the department before the department takes final action concerning the contract or agreement and shall disclose the nature and extent of the interest and the person's acquisition of it. The department shall publicly acknowledge this disclosure and enter it in its minutes. A member of the policy board, executive director, agent, or employee who holds such an interest may not be officially involved in regard to the contract or agreement, may not vote on a matter relating to the contract or agreement, and may not communicate with the executive director or other members, agents, or employees concerning the contract or agreement. Notwithstanding any other provision of law, a contract or agreement entered into in conformity with this subsection is not invalid because of an interest described by this subsection nor is a person who complies with this subsection guilty of an offense, and the person may not be removed from office or be subjected to other penalty because of the interest.

SECTION 15. Subchapter F, Chapter 481, Government Code, is amended by adding Section 481.0831 to read as follows:

Sec. 481.0831. OFFICE OF RURAL AFFAIRS. (a) The department shall maintain an office of rural affairs.

(b) The office shall:

- (1) implement the programs established under this subchapter; and
- (2) address the special needs of rural communities and businesses and assist those communities and businesses.

SECTION 16. Section 481.084(a), Government Code, is amended to read as follows:

(a) The department ~~may [shall use money in the fund to]~~ guarantee not more than 90 percent of a loan made by a private lender or to make loans to fund a project. For each guarantee the department shall determine:

- (1) that the project is located in a rural area;
- (2) the amount of equity the user must pledge or apply to the establishment of the project;
- (3) the fees charged by the department, including guarantee or loan fees, application fees, annual fees, and any other costs associated with the loan guarantee or loan, as necessary to fund the administration of this subchapter;
- (4) the maximum and minimum guarantee or loan amounts, if applicable;
- (5) the permissible interest rates and amortization requirements for a guaranteed loan or loan, as agreed on by the private lender, the user, and the department;
- (6) the acceptable security for the department's participation in a project; and
- (7) any other terms or conditions relating to a guarantee or loan.

SECTION 17. Subchapter F, Chapter 481, Government Code, is amended by adding Section 481.0842 to read as follows:

Sec. 481.0842. GUARANTEE-TO-RESERVE RATIO. (a) The department may guarantee loans as provided by Section 481.084 in an amount that exceeds the amount available in the fund. Loan guarantees may not exceed the guarantee-to-reserve ratio set by the policy board under Subsection (b).

(b) The policy board by rule shall adopt a guarantee-to-reserve ratio that determines the amount of loan guarantees that may be made that exceed the amount available in the fund. The ratio of guarantees to the amount of money available in the fund may not exceed two to one.

(c) The policy board shall review the guarantee-to-reserve ratio annually and adjust the ratio as appropriate. In reviewing the guarantee-to-reserve ratio, the policy board shall consider the payment experience of the loans and any recommendations of the state auditor as provided by Subsection (d).

(d) The state auditor shall review the loan guarantee program and payment activity and make recommendations based on that review to the policy board about the program and the guarantee-to-reserve ratio. A recommendation to the policy board shall be made not later than September 1 of each year.

SECTION 18. Section 481.101(1), Government Code, is amended to read as follows:

- (1) "Historically underutilized [Disadvantaged] business" means:
 - (A) a corporation formed for the purpose of making a profit in which at least 51 percent of all classes of the shares of stock or other equitable securities is owned by one or more persons who are socially disadvantaged because of their identification as members of certain groups, including black Americans, Hispanic Americans, women, Asian

Pacific Americans, and American Indians, who have suffered the effects of discriminatory practices or similar insidious circumstances over which they have no control;

(B) a sole proprietorship formed for the purpose of making a profit that is 100 percent owned, operated, and controlled by a person described by Paragraph (A) ~~[of this subdivision]~~;

(C) a partnership formed for the purpose of making a profit in which 51 percent of the assets and interest in the partnership is owned by one or more persons described by Paragraph (A) ~~[of this subdivision]~~. Those persons must have proportionate interest in the control, operation, and management of the partnership's affairs;

(D) a joint venture in which each entity in the joint venture is a historically underutilized ~~[disadvantaged]~~ business under this subdivision; or

(E) a supplier contract between a historically underutilized ~~[disadvantaged]~~ business under this subdivision and a prime contractor under which the historically underutilized ~~[disadvantaged]~~ business is directly involved in the manufacture or distribution of the supplies or materials or otherwise warehouses and ships the supplies.

SECTION 19. Section 481.103(a), Government Code, is amended to read as follows:

(a) The office shall:

(1) examine the role of small and historically underutilized ~~[disadvantaged]~~ businesses in the state's economy and the contribution of small and historically underutilized ~~[disadvantaged]~~ businesses in generating economic activity, expanding employment opportunities, promoting exports, stimulating innovation and entrepreneurship, and bringing new and untested products and services to the marketplace;

(2) serve as the principal advocate in the state on behalf of small and historically underutilized ~~[disadvantaged]~~ businesses and provide advice in the consideration of administrative requirements and legislation that affect small and historically underutilized ~~[disadvantaged]~~ businesses;

(3) evaluate the effectiveness of efforts of state agencies and other entities to assist small and historically underutilized ~~[disadvantaged]~~ businesses and make appropriate recommendations to assist the development and strengthening of small and historically underutilized ~~businesses [disadvantaged business enterprise]~~;

(4) identify specific instances in which regulations inhibit small and historically underutilized ~~[disadvantaged]~~ business development and to the extent possible identify conflicting state policy goals;

(5) determine the availability of financial and other resources to small and historically underutilized ~~[disadvantaged]~~ businesses and recommend methods for:

(A) increasing the availability of equity capital and other forms of financial assistance to small and historically underutilized ~~[disadvantaged]~~ businesses;

(B) generating markets for the goods and services of small and historically underutilized ~~[disadvantaged]~~ businesses;

(C) providing more effective education, training, and management and technical assistance to small and historically underutilized ~~[disadvantaged]~~ businesses; and

(D) providing assistance to small and historically underutilized ~~[disadvantaged]~~ businesses in complying with federal, state, and local laws;

(6) describe the reasons for small and historically underutilized ~~[disadvantaged]~~ business successes and failures, ascertain the related factors that are particularly important in this state, and recommend actions for increasing the success rate of small and historically underutilized ~~[disadvantaged]~~ businesses;

(7) serve as a focal point for receiving complaints and suggestions concerning state government policies and activities that affect small and historically underutilized ~~[disadvantaged]~~ businesses;

(8) assist with the resolution of problems among state agencies and small and historically underutilized ~~[disadvantaged]~~ businesses;

(9) develop and advocate proposals for changes in state policies and activities that adversely affect small and historically underutilized ~~[disadvantaged]~~ businesses;

(10) provide to legislative committees and state agencies information on the effects of proposed policies or actions that affect small and historically underutilized ~~[disadvantaged]~~ businesses;

(11) enlist the assistance of public and private agencies, businesses, and other organizations in disseminating information about state programs and services that benefit small and historically underutilized ~~[disadvantaged]~~ businesses and information regarding means by which small and historically underutilized ~~[disadvantaged]~~ businesses can use those programs and services;

(12) provide information and assistance relating to establishing, operating, or expanding small and historically underutilized ~~[disadvantaged]~~ businesses;

(13) establish and operate a statewide toll-free telephone service providing small and historically underutilized ~~[disadvantaged]~~ businesses with ready access to the services offered by the office;

(14) assist small and historically underutilized businesses by:

(A) identifying:

(i) [identify] sources of financial assistance for those [small and disadvantaged] businesses; and

(ii) financial barriers to those businesses;

(B) establishing financing programs for those businesses that aid in overcoming financial barriers;

(C) matching those[; match small and disadvantaged] businesses with sources of financial assistance[;] and

(D) assisting those [assist small and disadvantaged] businesses with the preparation of applications for loans from governmental or private sources;

(15) sponsor meetings, to the extent practicable in cooperation with public and private educational institutions, to provide training and disseminate information beneficial to small and historically underutilized ~~[disadvantaged]~~ businesses;

(16) assist small and historically underutilized ~~[disadvantaged]~~ businesses in their dealings with federal, state, and local governmental agencies and provide information regarding governmental requirements affecting small and historically underutilized ~~[disadvantaged]~~ businesses;

(17) perform research, studies, and analyses of matters affecting the interests of small and historically underutilized ~~[disadvantaged]~~ businesses;

(18) develop and implement programs to encourage governmental agencies, public sector business associations, and other organizations to provide useful services to small and historically underutilized ~~[disadvantaged]~~ businesses;

(19) use available resources within the state, such as small business development centers, educational institutions, and nonprofit associations, to coordinate the provision of management and technical assistance to small and historically underutilized ~~[disadvantaged]~~ businesses in a systematic manner;

(20) publish newsletters, brochures, and other documents containing information useful to small and historically underutilized ~~[disadvantaged]~~ businesses;

(21) identify successful small and historically underutilized ~~[disadvantaged]~~ business assistance programs provided by other states and determine the feasibility of adapting those programs for implementation in this state;

(22) establish an outreach program to make the existence of the office known to small and historically underutilized ~~[disadvantaged]~~ businesses and potential clients throughout the state;

(23) adopt rules necessary to carry out this subchapter;

(24) identify potential business opportunities for small and historically underutilized ~~[disadvantaged]~~ businesses in the border region and develop programs to maximize those opportunities;

(25) identify potential business opportunities for small and historically underutilized ~~[disadvantaged]~~ businesses in rural areas of this state and develop programs to maximize those opportunities; and

(26) perform any other functions necessary to carry out the purposes of this subchapter.

SECTION 20. Section 481.107, Government Code, is amended to read as follows:

Sec. 481.107. CONTRACTS AWARDED TO SMALL OR HISTORICALLY UNDERUTILIZED ~~[DISADVANTAGED]~~ BUSINESSES. Each state agency shall keep statistical data and other records on the number of contracts awarded by the agency to small or historically underutilized ~~[disadvantaged]~~ businesses.

SECTION 21. Section 481.155, Government Code, as added by Chapter 1, Acts of the 73rd Legislature, Regular Session, 1993, is amended by adding Subsection (g) to read as follows:

(g) During each state fiscal year the executive director shall attempt to ensure that at least 50 percent of the total dollar amount of grants awarded under this section is awarded to small businesses, as defined by Section 481.101.

SECTION 22. Subchapter J, Chapter 481, Government Code, as added by Chapter 1, Acts of the 73rd Legislature, Regular Session, 1993, is amended by adding Section 481.1601 to read as follows:

Sec. 481.1601. LEGISLATIVE REVIEW COMMITTEE: REPORTS.

(a) The legislative review committee is composed of:

(1) two senators appointed by the lieutenant governor;
(2) two members of the house of representatives appointed by the speaker of the house of representatives; and

(3) one representative of business appointed by the governor.

(b) Every six months the executive director shall submit to the legislative review committee a report covering the previous six-month period and containing the information required for a report under Section 481.160. The legislative review committee shall review the report and submit to the executive director recommendations concerning the carrying out of the program.

(c) The executive director shall submit with the report required under Section 481.160:

(1) copies of the recommendations that the executive director has received from the legislative review committee during the preceding fiscal year; and

(2) a statement of the executive director's actions taken on the recommendations.

SECTION 23. Subchapter L, Chapter 481, Government Code, is amended by adding Section 481.174 to read as follows:

Sec. 481.174. ADVERTISEMENTS IN TOURISM PROMOTIONS. (a) The department may sell advertisements in travel promotions in any medium.

(b) The policy board shall adopt rules to implement the sale of advertisements under Subsection (a), including rules regulating:

(1) the cost of advertisements;

(2) the type of products or services that may be advertised;

(3) the size of advertisements; and

(4) refunds on advertisements that are not run.

(c) Proceeds from the sale of advertisements shall be deposited in the special account in the general revenue fund that may be used for advertising and marketing activities of the department as provided by Section 156.251, Tax Code.

SECTION 24. Section 8, Texas Enterprise Zone Act (Article 5190.7, Vernon's Texas Civil Statutes), is amended by adding Subsection (i) to read as follows:

(i) Not later than December 1 of each year, the department shall prepare an annual cost-benefit analysis of the program and submit it to the state auditor for review and comment on the methodology and conclusions of the study. Before each regular legislative session convenes, the state auditor shall submit the analyses and the state auditor's comments on the analyses to the governor, the lieutenant governor, and the speaker of the house of representatives.

SECTION 25. Sections 10(f) and (k), Texas Enterprise Zone Act (Article 5190.7, Vernon's Texas Civil Statutes), are amended to read as follows:

(f) The department shall allocate to each enterprise project at the time of its designation a job ceiling number representing the maximum number of new permanent jobs or retained jobs eligible to be included in any calculation for a tax refund for the enterprise project. The job ceiling number for a project may not exceed 625 or a number equal to 110 percent of the number of new permanent jobs or retained jobs that a qualified business in its application for designation commits to create or retain, as applicable, during the five-year term of its designation as an enterprise project, whichever is less. ~~[The maximum number of new permanent jobs that may be allocated by the department among all enterprise projects designated under this section between August 31, 1991, and August 31, 1993, is 10,000.]~~

(k) The number of new permanent jobs or retained jobs that have not been certified ~~[allocated]~~ before the end of the first ~~[each state fiscal]~~ year of a state fiscal biennium may be certified during the second year of that biennium ~~[allocated in subsequent fiscal years, except that an enterprise project may not be designated after August 31, 1993].~~

SECTION 26. Section 151.429(b), Tax Code, is amended to read as follows:

(b) Subject to the limitations provided by Subsection (c) of this section, an enterprise project qualifies for a refund of taxes under this section of \$2,000 for each new permanent job or job that has been retained by ~~[that]~~ the enterprise project [provides] for a qualified employee ~~[during the period of its designation as an enterprise project].~~

SECTION 27. The Texas Job-Training Partnership Act (Article 4413(52), Vernon's Texas Civil Statutes) is amended by adding Sections 5A and 5B to read as follows:

Sec. 5A. RULES. The policy board of the Texas Department of Commerce shall adopt necessary rules for the implementation and management of the job-training program.

Sec. 5B. CONTESTED CASES. A proceeding of the Texas Department of Commerce involving the job-training program is not subject to the provisions of the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes) and its subsequent amendments relating to contested cases.

SECTION 28. Section 10, Texas Job-Training Partnership Act (Article 4413(52), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 10. POLICY ~~[RULES AND REGULATIONS]~~. The governor may develop policies ~~[in accordance with the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), prescribe such rules and regulations as]~~ the governor deems necessary to carry out the provisions of this Act and the federal Act.

SECTION 29. During the state fiscal biennium beginning September 1, 1993, the Texas Department of Commerce may not certify more than 8,000 new permanent jobs or retained jobs under Section 10(f), Texas Enterprise Zone Act (Article 5190.7, Vernon's Texas Civil Statutes), as amended by this Act, among enterprise projects designated after August 31, 1993. An enterprise project designated after August 31, 1993, may not receive a tax refund under Section 151.429, Tax Code, as amended by this

Act, or a tax reduction under Section 171.1015, Tax Code, before September 1, 1995.

SECTION 30. (a) The state auditor shall perform the first review of the rural economic loan guarantee program and payment activity and make a recommendation to the Texas Department of Commerce policy board regarding the program and the guarantee-to-reserve ratio as required by Section 481.0842, Government Code, as added by this Act, not later than December 1, 1993.

(b) The Texas Department of Commerce may guarantee loans in an amount that exceeds the amount available in the Texas rural economic development fund as provided by Section 481.0842, Government Code, as added by this Act, beginning January 1, 1994.

SECTION 31. Section 156.251(d), Tax Code, is amended to read as follows:

(d) An amount equal to the amount of revenue derived from the collection of taxes imposed by this chapter at a rate of one-half of one percent shall be allocated [~~to a special account~~] in the general revenue fund to be used for media advertising and other marketing activities of the Tourism Division of the Texas Department of Commerce. Section 403.094(h), Government Code, does not apply to funds described in this section. This subsection takes effect October 1, 1994.

SECTION 32. This Act takes effect September 1, 1993.

SECTION 33. For purposes of transition, the policy board of the Texas Department of Commerce shall review all rules adopted by the executive director and either adopt as a rule of the policy board or repeal such rules. If a rule that was adopted by the executive director is not adopted by the policy body by April 1, 1994, the rule is repealed. Until a rule is adopted or repealed as provided by this section, the rule is a rule of the policy board.

SECTION 34. The policy board of the Texas Department of Commerce shall review and either adopt as a rule of the department or repeal all policy issuances of the department regarding the job-training program under the Texas Job-Training Partnership Act (Article 4413(52), Vernon's Texas Civil Statutes) not later than September 1, 1994. If a policy issuance has not been adopted as a rule of the department on or before September 1, 1994, the policy issuance is repealed. Until a policy issuance is adopted as a rule of the department or repealed as provided by this section, the policy issuance is a rule of the department.

SECTION 35. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Amendment No. 1

Amend C.S.S.B. 405 by adding an appropriately numbered section of the bill to read as follows:

SECTION _____. Section 4A, Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), is amended by adding Subsection (q) to read as follows:

(g) On request of the board of directors of the corporation, the department shall determine whether a proposed project meets the definition of "project" under Section 2(10) of this Act and Section 4B(a)(2) of this Act. If the department determines that the proposed project does not meet the definition of a "project" under Section 2(10) of this Act but does meet the definition of "project" under Section 4B(a)(2) of this Act, the corporation may undertake the project only if the project is approved by a majority of the voters voting at an election called for the purpose of approving the project.

Floor Amendment No. 2

Amend C.S.S.B. 405 as follows:

(3) On page 10, between lines 3 and 4, insert a new Subsection (10) to read as follows; and renumber the following subsections appropriately.

(10) General Services Commission regarding providing procurement information, certification and technical assistance to small and historically underutilized businesses.

Floor Amendment No. 3

Amend C.S.S.B. 405 as follows:

(1) On page 22, between lines 1 and 2, insert the following new section to read as follows:

SECTION _____. Section 481.182, Government Code, is amended to read as follows:

The department shall:

(1) establish and maintain a central depository of information, including computer retrievable files, concerning the significant characteristics of the state and its people, economy, land, and physical characteristics, including information concerning employment opportunities in the state;

(2) analyze the information collected under Subdivision (1) as well as other information and disseminate the information and analyses to state, federal, and local agencies and the public;

(3) serve as the official cognizant administrator of the United States Bureau of the Census federal-state cooperative;

(4) collect information and compile data on the border region for the preparation of specific plans and programs for the border region;

(5) adopt procedures to ensure the greatest use by an exchange among state agencies of data bases and statistical and analytical models created by or belonging to the state;

(6) assist institutions of elementary, secondary, and higher education to develop and expand programs of education in international commerce, geography, and language;

(7) establish and operate a comprehensive clearinghouse of information relating to small and historically underutilized businesses; and

(8) develop and maintain a master file of information on small and historically underutilized business assistance programs provided by federal, state, and local agencies, educational institutions, chambers of commerce, civic organizations, community development groups, private industry

associations, and other organizations and provide comprehensive, timely information to persons seeking that information.

Committee Amendment No. 4

Amend C.S.S.B. 405 as follows:

(1) On page 9, line 16, delete the words "promotion of alternative energy resources and".

(2) On page 10, between lines 3 and 4, insert a new subsection (10) as follows and renumber subsequent subsections:

(10) The Alternative Fuels Council as created in S.B. 737, Seventy-third Legislature, Regular Session, regarding the promotion of alternative fuels.

Floor Amendment No. 5

Amend C.S.S.B. 405 as follows:

(1) Amend C.S.S.B. 405 by adding a new appropriately numbered section to read as follows:

SECTION _____. (a) The state auditor shall conduct a study to review the impact of the program created under the Texas Enterprise Zone Act (Article 5190.7, Vernon's Texas Civil Statutes) since its implementation. The comptroller, the Texas Employment Commission, and the Texas Department of Commerce shall provide the state auditor with data and assistance as necessary to complete the study. At a minimum, the study shall include:

(1) an examination of the impact of the program on the state as a whole as well as the impact on individual communities with enterprise zones, including the program's effect on:

- (A) state and local tax revenues;
- (B) state and local tax bases;
- (C) state and local socio-economic conditions; and
- (D) state and local unemployment rates;

(2) a review of the incentives offered by local communities and the relative impact of the incentives on company location, expansion, and retention; and

(3) a survey of companies to determine the role of the state enterprise zone incentives on decisions of companies to locate, expand, or retain jobs in the zone.

(b) The state auditor shall complete the study required by this section and submit a report of its findings to the governor, lieutenant governor, and the speaker of the house of representatives no later than October 1, 1994.

(2) Renumber the remaining sections of the bill.

Amendment No. 6

Amend C.S.S.B. 405 as follows:

(1) Strike Section 25 and substitute the following:

SECTION 25. Section 10(f), Texas Enterprise Zone Act (Article 5190.7, Vernon's Texas Civil Statutes), is amended to read as follows:

(f) The department shall allocate to each enterprise project at the time of its designation a job ceiling number representing the maximum number of new permanent jobs or retained jobs eligible to be included in any calculation for a tax refund for the enterprise project. The job ceiling number for a project may not exceed 625 or a number equal to 110 percent of the number of new permanent jobs or retained jobs that a qualified business in its application for designation commits to create or retain, as applicable, during the five-year term of its designation as an enterprise project, whichever is less. [~~The maximum number of new permanent jobs that may be allocated by the department among all enterprise projects designated under this section between August 31, 1991, and August 31, 1993, is 10,000.~~]

(2) Add the following appropriately numbered section and renumber sections appropriately:

SECTION _____. Effective August 30, 1993, Section 10(k), Texas Enterprise Zone Act (Article 5190.7, Vernon's Texas Civil Statutes), is repealed.

The amendments were read.

Senator Carriker moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the conference committee on S.B. 405 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Carriker, Chair; Ratliff, Ellis, Harris of Dallas, and Rosson.

SENATE RULE 11.19 SUSPENDED (Posting Rule)

On motion of Senator Armbrister and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Finance might consider H.B. 925 today.

NOTICE OF SESSION TO HOLD LOCAL AND UNCONTESTED BILLS CALENDAR

Senator Haley announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks.

On motion of Senator Haley and by unanimous consent, Senate Rule 9.03(b) was suspended to give notice that a Local and Uncontested Bills Calendar would be held 10 minutes after recess today and that all bills would be considered on second reading in the order in which they are listed.

RECESS

On motion of Senator Harris of Dallas, the Senate at 4:04 p.m. recessed until 4:10 p.m. today for the Local and Uncontested Bills Calendar.

AFTER RECESS

The Senate met at 4:10 p.m. and was called to order by Senator Haley.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

Pursuant to Senate Rule 9.03(d), the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time, and passed (vote on Constitutional Three-Day Rule and final passage indicated after the caption of each bill):

C.S.S.B. 123 (Harris of Tarrant) Relating to disposition by a decree of divorce or annulment of a beneficial interest in insurance or of benefits under a retirement plan or other financial plan. (29-0) (29-0)

S.B. 1270 (Bivins) Relating to the seizure, forfeiture, and disposition of contraband used in the commission of certain offenses under Parks and Wildlife Code; providing immunity for certain department employees. (29-0) (29-0)

S.B. 1382 (Henderson) Relating to changing the date of a political subdivision's general election for officers. (29-0) (29-0)

S.B. 1449 (Ratliff) Relating to the identification of certain city and county vehicles. (29-0) (29-0)

S.B. 1461 (Harris of Tarrant) Relating to a spouse's access to information concerning the community property held by the other spouse. (29-0) (29-0)

S.B. 1464 (Henderson) Relating to the regulation by home-rule municipalities of streets, avenues, alleys, and boulevards on which certain residences are located. (29-0) (29-0)

S.B. 1482 (Harris of Tarrant) Relating to the creation of municipal courts of record in Arlington. (29-0) (29-0)

H.B. 161 (Shelley) Relating to an exception for certain nonprofit organizations from the requirements of the Private Investigators and Private Security Agencies Act. (29-0) (29-0)

Senator Shelley offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **H.B. 161** by deleting lines 24 through 26 on page 3 and substituting the following:

(12) a registered professional ~~engineer~~ [engineers] practicing in accordance with the provisions of the Texas Engineering Practice Act ~~that does not install or service detection devices, does not conduct investigations, and is not a security services contractor;~~

The committee amendment was read and was adopted by a viva voce vote.

Senator Shelley offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend H.B. 161 as follows:

1. On page 7, line 16, strike "or".

2. On page 7, line 26, strike the period and add the following:

: or (30) a person engaged in the business of psychological testing or other testing and interviewing services (to include but not limited to attitudes, honesty, intelligence, personality and skills) for preemployment purposes, if the person does not perform any other service that requires a license under this Act.

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Shelley and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

C.S.H.B. 162 (Moncrief) Relating to electioneering at a county courthouse during early voting. (29-0) (29-0)

H.B. 198 (Zaffirini) Relating to the filing and processing of condemnation proceedings. (29-0) (29-0)

Senator Zaffirini offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend H.B. 198 in Section 1 of the bill, in Section 21.013(d), Property Code, by striking "A district court or county court at law may not by local rule or order alter the rotational assignment of cases provided by this subsection." (page 2, lines 2 through 4, House Engrossment).

The committee amendment was read and was adopted by a viva voce vote.

Senator Zaffirini offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend H.B. 198 as follows:

Delete Section 1(b) and add the following new Section 1(b):

Except where otherwise provided by law, a party initiating a condemnation proceeding in a county in which there is one or more county courts [court] at law with jurisdiction may file the petition with any [the judge of that court or, if there is more than one county court at law with jurisdiction, with the county] clerk authorized to handle filings for that court or courts.

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 211 (Armbrister) Relating to the reporting of technological innovations developed by state agencies. (29-0) (29-0)

- H.B. 238** (Barrientos) Relating to judicial training related to the problems of family violence, sexual assault, and child abuse. (29-0) (29-0)
- H.B. 360** (Sibley) Relating to persons who may bring an original suit affecting the parent-child relationship. (29-0) (29-0)
- H.B. 366** (Armbrister on behalf of Haley) Relating to the payment of certain tax refunds. (29-0) (29-0)
- H.B. 370** (Sims) Relating to warning signs concerning the operation of certain equipment near high voltage lines. (29-0) (29-0)
- H.B. 394** (Barrientos) Relating to the maximum tax rate of certain emergency services districts. (29-0) (29-0)
- H.B. 395** (Harris of Tarrant) Relating to regulating certain slaughterers; providing penalties. (29-0) (29-0)
- H.B. 476** (Sims) Relating to the registration of trailers and semitrailers. (29-0) (29-0)
- H.B. 535** (Nelson) Relating to an exemption from the nepotism law for personal attendants of certain officers. (29-0) (29-0)
- H.B. 690** (Shelley) Relating to collection by a water or sewer service corporation of voluntary contributions on behalf of certain emergency services. (29-0) (29-0)
- H.B. 790** (Ellis) Relating to the date of the local canvass in a primary election. (29-0) (29-0)
- H.B. 823** (Madla) Relating to the term of an agreement with a depository selected by certain hospital districts. (29-0) (29-0)
- H.B. 930** (Whitmire) Relating to the authority of a justice of the peace to order community service in satisfaction of fine or costs. (29-0) (29-0)
- H.B. 961** (Shapiro) Relating to the consolidation of county election precincts in a special election. (29-0) (29-0)
- H.B. 979** (Harris of Tarrant) Relating to the appointment of a master in certain child support cases. (29-0) (29-0)
- C.S.H.B. 1269** (Armbrister) Relating to the powers of the Texas Water Development Board and the executive administrator of the board. (29-0) (29-0)
- H.B. 1287** (Sims) Relating to the establishment and funding of a young farmer loan guarantee program. (29-0) (29-0)
- H.B. 1298** (Madla) Relating to the gloves used in a boxing contest, match, or exhibition. (29-0) (29-0)
- C.S.H.B. 1356** (Shelley) Relating to exempting certain persons from tuition, fees, and charges at public institutions of higher education. (29-0) (29-0)
- H.B. 1463** (Madla) Relating to the description and use of the state flag, the governor's flag, and the state seal and to the adoption and rendition of the state song. (29-0) (29-0)

H.B. 1491 (Sims) Relating to the creation, administration, powers, duties, operation, and financing of the Llano Uplift Underground Water Conservation District. (29-0) (29-0)

H.B. 1502 (Zaffirini) Relating to distribution of child passenger safety seat systems by the Texas Department of Health. (29-0) (29-0)

H.B. 1503 (Sims) Relating to reimbursement of children committed to the Texas Youth Commission for lost or damaged personal property. (29-0) (29-0)

H.B. 1550 (Zaffirini) Relating to criminal penalties provided for violations of rules adopted by the Texas Board of Health or its authorized agents regarding on-site sewage disposal systems. (29-0) (29-0)

H.B. 1662 (Zaffirini) Relating to the transfer of court-appointed volunteer advocate programs for abused or neglected children. (29-0) (29-0)

H.B. 1853 (Shelley) Relating to fees of office of directors of Underground Water Conservation Districts. (29-0) (29-0)

H.B. 1854 (Shelley) Relating to the sworn statement, bond, and oath of a director of Underground Water Conservation Districts. (29-0) (29-0)

H.B. 1876 (Harris of Tarrant) Relating to cancellation of judgments and judgment liens after bankruptcy discharge. (29-0) (29-0)

H.B. 1972 (Ellis) Relating to the approval and certification of certain health organizations by the Texas State Board of Medical Examiners. (29-0) (29-0)

H.B. 2018 (Turner) Relating to the voluntary designation of homestead. (29-0) (29-0)

H.B. 2176 (Madla) Relating to the Brush Country Underground Water Conservation District. (29-0) (29-0)

H.B. 2264 (Carriker) Relating to representation of the Office of the State Long-Term Care Ombudsman of the Department on Aging. (29-0) (29-0)

H.B. 2557 (Moncrief) Relating to certain prohibited activities in the food stamp program. (29-0) (29-0)

H.B. 2620 (Sims) Relating to regional assessment of water quality by watershed or river basin. (29-0) (29-0)

C.S.H.B. 2647 (Sims) Relating to the charge and control of certain state facilities located in Kerrville. (29-0) (29-0)

H.B. 2827 (Rosson) Relating to El Paso County Juvenile Board and to El Paso Family District Court. (29-0) (29-0)

H.B. 2856 (Henderson) Relating to the creation of the County Criminal Court at Law No. 15 of Harris County, Texas. (29-0) (29-0)

**BILLS REMOVED FROM
LOCAL AND UNCONTESTED BILLS CALENDAR**

<u>Number</u>	<u>Senators Removing</u>
S.B. 1315	Ratliff, Haley
S.B. 1474	Haley
H.B. 76	Nelson, Haley
H.B. 1077	Ratliff, Haley

**CONCLUSION OF SESSION FOR
LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer announced that the session for consideration of the Local and Uncontested Bills Calendar was concluded.

MEMORIAL RESOLUTION

S.R. 938 - By Haley: In memory of the Reverend J. P. Owens, Sr., of Woodville.

CONGRATULATORY RESOLUTIONS

H.C.R. 113 - (Montford): Congratulating Sheryl Swoopes on her athletic career and her recent NCAA women's basketball championship.

H.C.R. 115 - (Haley): Recognizing the blueberry festival in Nacogdoches as the official Texas Blueberry Festival.

S.C.R. 93 - By Ratliff: Recognizing Charles Lowry, who recently completed a one-year term as President of Texas Association of School Boards.

S.R. 935 - By Moncrief: Commending Dr. Ira Christopher Colby of Tarrant County for his excellence in the field of social work.

S.R. 936 - By Truan: Recognizing Otis Wilson Burroughs for his 31 years of service as superintendent of the Banquete Independent School District and his 37 years in the field of education.

S.R. 937 - By Truan: Commending Ciro Casares of Elsa for his lifetime of service to others.

S.R. 939 - By Haley: Commending Doice Grant for his achievements as head of the Center Independent School District band program.

S.R. 940 - By Haley: Recognizing Walter Diggles on being named Outstanding Texan at the first Legislative Black Caucus Weekend.

S.R. 941 - By Haley: Recognizing Bo Barbe of Shelby County, who is retiring after 35 years of service in the Texas public school system.

S.R. 942 - By Ellis: Recognizing the National Women of Achievement, Incorporated, on its Seventh Biennial Convention in Houston.

S.R. 943 - By Ellis: Recognizing The University of Texas at Austin and the University of Ghana on the historic occasion of their Agreement of Academic and Scientific Cooperation.

S.R. 944 - By Brown: Congratulating Mary Morris-Mazoch of Brazoria County, who was named the State of Texas Crime Stopper of the Year at the fifth annual Texas Crime Stoppers conference.

S.R. 945 - By Brown: Commending Dr. Joseph A. Jachimczyk for his service as Chief Medical Examiner of Harris County for over 35 years.

S.R. 946 - By Brown: Commending the contributions that Carolyn Tarver of Fort Bend County has made to her community.

S.R. 947 - By Barrientos: Recognizing Gerardo "Jerry" Diaz for his skills and his mastery of the art of a charro.

S.R. 948 - By Barrientos: Commending 3M Austin Center for its contributions to preserve the habitat of the golden-cheeked warbler and six other federally listed endangered species.

ADJOURNMENT

On motion of Senator Harris of Dallas, the Senate at 4:30 p.m. adjourned until 11:00 a.m. Monday, May 17, 1993.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

May 14, 1993

NATURAL RESOURCES — H.B. 2677, H.B. 2842, H.B. 2052, H.B. 1659, H.B. 2493, H.B. 1950, H.B. 1945, H.B. 2830, H.B. 1704, H.B. 2007, H.C.R. 52, S.C.R. 87, H.B. 2634, H.B. 2446, H.B. 1679, C.S.H.B. 1652, C.S.H.B. 1302, C.S.H.B. 1687, H.B. 130, H.B. 2432, S.B. 914, C.S.S.B. 1319, C.S.S.B. 1488, C.S.S.B. 1475

ECONOMIC DEVELOPMENT — C.S.H.B. 1395

STATE AFFAIRS — C.S.S.B. 1347

CRIMINAL JUSTICE — C.S.H.B. 1776

FILED WITH SECRETARY OF STATE

(May 14, 1993)

S.J.R. 34

S.J.R. 45

SENT TO GOVERNOR

(May 14, 1993)

S.C.R. 43	S.B. 728
S.C.R. 66	S.B. 813
S.B. 141	S.B. 819
S.B. 179	S.B. 931

S.B. 330	S.B. 1068
S.B. 362	S.B. 1212
S.B. 399	S.B. 1229
S.B. 419	S.B. 1276
S.B. 490	S.B. 1302
S.B. 541	S.B. 1361
S.B. 594	S.B. 1388
S.B. 623	S.B. 6
S.B. 631	S.B. 291
S.B. 632	S.B. 719
S.B. 709	S.B. 1324
S.B. 1373	

SIXTY-EIGHTH DAY
(Monday, May 17, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Rob Harrell, First Evangelical Free Church, Austin, offered the invocation as follows:

Our Father, the heavens declare Your glory; the skies proclaim the works of Your hands! We give You praise!

This day, as these men and women gather together to lead our state, we pray that they would be ever mindful of Your sovereign power, Your saving grace, and Your desire for all men to know You! May they look to You, the omnipotent and omniscient Lord, for wisdom, guidance, and understanding!

In Christ's name we pray. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 14, 1993, was dispensed with and the Journal was approved.

CO-AUTHORS OF SENATE BILL 1105

On motion of Senator Shapiro and by unanimous consent, Senators Bivins, Harris of Dallas, Leedom, Lucio, Nelson, Patterson, Sibley, Harris of Tarrant, Henderson and Shelley will be shown as Co-authors of S.B. 1105.